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ABSTRACT

This report is designed to bring schoolmen and other interested citizens up to date on sensitive areas where religion and public education frequently touch off heated debate, therefore it probes the question of school prayers, teaching of evolution, classroom study of the Bible, as well as the pros and cons of government aid to nonpublic schools--an issue heading toward a landmark decision by the United States Supreme Court. As the latest of a series dissecting major issues in education, the report details the history and remarkable recent growth of parochiaid, noting that it has been spurred by the widely publicized fiscal crisis of Catholic schools which educate 85 percent of the nation's 6 million nonpublic schoolchildren. The report also cites the widespread notion that two decisions "banned" the Bible from public school classrooms, but notes as a matter of fact that the judges went out of their way to encourage the study of religion and the Bible. Only recently, as a result of urgings from various segments of American society, has religion gained ground in public school curriculums. (Author/AWW)

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EDUCATION U.S.A.

SPECIAL REPORT

Religion and the Schools: From Prayer to Public Aid

A Publication of the
National School Public Relations Association

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Education U.S.A., a weekly newsletter founded in 1958, has introduced new dimensions to educational journalism in the United States. In addition to the newsletter, which reports major developments in preschool to graduate level education, the editors of *Education U.S.A.* prepare special in-depth reports on current education issues and problems.

News and interpretive features for the newsletter, based on materials from hundreds of sources, are written by the editors of *Education U.S.A.* and by correspondents in the 50 states. The aim: to keep the busy American educator informed of the important developments in his profession. The *Washington Monitor* section of *Education U.S.A.* is a current report on activities at the U.S. Office of Education, Capitol Hill, and other federal agencies that make significant decisions in education. Each year the editors also prepare *The Shape of Education*, a special handbook of articles on trend-making subjects in American education.

The special reports are prepared when the editors decide that a new development in education is important enough to be covered in detail. *Religion and the Schools: From Prayer to Public Aid* is the 22nd report in this series.

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Religion and the Schools: From Prayer to Public Aid

OVERVIEW

People have strong opinions about religion. They also feel deeply about American public education. When issues arise involving both religion and education, the fur is sure to fly. This Special Report is designed to bring educators and interested citizens up to date on four sensitive areas where religion and education have come into contact and have touched off conflict in recent years.

"Parochiaid"--government assistance to nonpublic schools--is the latest and hottest controversy, headed toward a landmark decision by the U.S. Supreme Court. The section on public aid includes background on "indirect" aid, plus the newly spawned "direct" assistance such as purchase of service and voucher systems, the crisis in Catholic schools which are leading the fight for more nonpublic school aid, profiles of those groups opposing the movement, and a summary of pros and cons. A helpful chart details assistance now given by states to nonpublic schools.

Prayer in the public schools has touched off in some communities outright defiance of the Supreme Court's 1962 and 1963 decisions. Stance of the communities is outlined here, along with background on the so-called National Prayer Amendment. Another religion-related issue--teaching about evolution in the schools--which has surfaced in recent years is also explained. After the 1962 and 1963 decisions, many schoolmen thought they had to throw out the Bible even as a literary resource. As the Court's intent became clearer, however, school districts have come to realize that objective instruction about religion, far from being outlawed by the Court, was heartily encouraged. A 1970 survey shows that approximately one-half of the nation's high schools with more than 1,000 students now have a course "which teaches about religion objectively." Descriptions are included of districts which are currently offering courses about religion or using the Bible as a literary resource.

Cooperation between public and nonpublic schools also appears on the rise, sparked by federal programs mandating that they work together. Reported here are public school districts which operate programs of shared time, released time, dual enrollment, or have other informal methods for keeping in touch with their nonpublic counterparts.

Table of Contents

Overview 1
The Durable Debate 2
Prayer in the Public Schools 23
Teaching About Religion in the Public Schools 27
Cooperation Between Public and Nonpublic Schools 35
Survey: A Study of 1,000 High Schools 40
State Programs for Support to Nonpublic Schools 44
Bibliography 52

THE DURABLE DEBATE

Public aid to nonpublic schools, that venerable education battleground strewn with constitutional, legal, political, and emotional boobytraps, has once again become a national issue.

Spurred by the widely publicized fiscal crisis of Catholic schools which educate 85% of the nation's 6 million nonpublic schoolchildren, advocates of assistance to nonpublic education have scored major legislative victories in several states. But in the wake of the legislation has come a barrage of court suits, and the whole question is headed for a Supreme Court showdown.

State aid of the "indirect" variety involving buses and books for nonpublic schoolchildren has been a fixture on the educational scene for at least 40 years. The Elementary and Secondary Education Act of 1965 (ESEA) broadened assistance by including nonpublic school children under its umbrella of educational services for the disadvantaged. But in recent years a new theory of more direct aid called "purchase of services" has gained ground. "Purchase of services" means that the state pays nonpublic schools to teach their pupils secular subjects that the state itself would have to teach them if nonpublic schools were not in existence.

Since 1968, five states--Pennsylvania, Connecticut, Ohio, Rhode Island, and Michigan--have enacted legislation embodying some form of "purchase of services." Each law has been challenged in court. Another form of "direct" aid is being considered by at least five additional states--California, New Jersey, New York, Texas, and Wisconsin. This involves the issuance of school vouchers to parents to pay for the education of all private and public schoolchildren within the state's jurisdiction. These were only a few bench marks of a period marked by unprecedented ferment over the nonpublic school issue. A bumper crop of bills was dropped into legislative hoppers in 1970 with 14 states pondering how to increase the aid already in existence, and 15 others studying legislation for initial assistance.

The sympathetic mood in so many state capitals toward nonpublic school problems was echoed at the highest reaches of the federal government. In his March 3, 1970, message to Congress on education reform, President Nixon warmly praised the contributions of the nonpublic schools and assured their leaders that study of their "grave problems" would be a specific assignment for his new Commission on School Finance.

Opposing the "more aid" contingent, which is led by Catholic spokesmen but also includes some Protestant denominations, are the American Civil Liberties Union, the Americans United for Separation of Church and State, most

Jewish organizations, the National Education Assn. (NEA) and its state affiliates, the American Federation of Teachers, AFL-CIO, and various Protestant churches. Coalitions of such groups have banded together in several states to fight proposed legislation or to spark court challenges. The exchanges have been heated and sometimes bitter.

But the Education Commission of the States, the prestigious combination of state governors, state legislators, and educators, noted recently in a study that state aid to nonpublic schools may no longer be a question of "whether" to help, but "how." Commission spokesmen declared that "political and educational realities" were forcing public school decision makers to concern themselves with the future of nonpublic education. "We can no longer avoid the realization," said the Commission, "that the future of private schools will have an effect on our public school system."

It Began with Books and Buses

The two earliest forms of public assistance for nonpublic schools began some 40 years ago and provided textbooks and bus transportation--actions which are still being contested today in some places.

Two landmark decisions by the U.S. Supreme Court ruled that these services constituted assistance to the child to get an education rather than assistance to nonpublic schools--Cochran v. Louisiana Board of Education in 1930, and Everson v. (New Jersey) Board of Education in 1947. From these decisions came the "child benefit theory" which was utilized years later by Pres. Lyndon B. Johnson to ease the church-state controversy and to gain passage of the historic Elementary and Secondary Education Act of 1965.

The most recent case in which the U.S. Supreme Court upheld the constitutionality of providing textbooks for children in church-related schools was in Allen v. Board of Education in 1968. Justice Byron R. White, writing for the majority, cited previous decisions of the Court involving government assistance to nonpublic education as having "been a recognition that private education has played and is playing a significant and valuable role in raising national levels of knowledge, competence, and experience.... Continued willingness to rely on private schools systems, including parochial systems, strongly suggests that a wide segment of informed opinion, legislative and otherwise, has found that those schools do an acceptable job of providing secular education to their students. This judgment is further evidence that parochial schools are performing, in addition to their sectarian function, the task of secular education."

Today, 16 states provide free bus transportation for nonpublic schoolchildren, and legislation is pending in three states. Eight states supply books to children in nonpublic schools, and legislation is pending to do so in seven more states.

But litigation continues on this front. New Jersey, which since 1967 has provided bus transportation for parochial schoolchildren at public expense, received a setback this year when its law was declared unconstitutional by Judge Joseph H. Stamler of the State Supreme Court. The argument

revolved, however, around civil rights rather than strictly religious issues. When the law was approved, each of the state's nearly 600 school districts was given the option of adopting busing or not. If a district did bus, then the law stipulated it also must provide busing for private and parochial schoolchildren, even if they attended schools outside the district. Nearly 100 districts refused to authorize busing and the discrepancy between districts resulted in unequal benefits to private and parochial school pupils, according to Judge Stamler. Some nonpublic school students have to walk to school, while others are bused, he said, and in most cases it was the poorer youngsters from slum areas who were doing the walking since most affluent communities of the state have authorized busing.

On the Federal Front

The battle for federal aid to public schools was waged with little success for almost half a century. Congress made no significant financial move to bolster American education with federal funds until the Soviet Union launched Sputnik in 1957. This Soviet achievement stimulated passage of the National Defense Education Act (NDEA). Title III, NDEA, provided equipment for science, mathematics, and modern foreign language, and funds for minor remodeling by public elementary and secondary schools. It also stipulated that 12% of appropriations for such purposes must be in the form of low-interest, 10-year loans to nonpublic elementary and secondary schools, whether or not they were affiliated with a religious body. Title V, NDEA, made testing services available to private schools, providing that they bore half the cost of such services.

That was in 1958. It took seven more years to resolve the political hang-ups over separation of church and state and to clear the way to help disadvantaged youngsters in both public and nonpublic schools through the monumental Elementary and Secondary Education Act (ESEA). The "child benefit" theory was the magic formula, and many church and other groups that had previously opposed federal aid to nonpublic schools began to support ESEA. For example, spokesmen for the National Council of Churches of Christ, the Episcopal and the United Presbyterian Churches, and the Baptist Joint Committee on Public Affairs all testified in favor of including nonpublic schools in appropriations for nonreligious programs and services, as did the National Education Assn. (NEA) and its affiliates.

The result was that ESEA required that any program designed to help disadvantaged children must be planned jointly by leaders of both public and nonpublic schools, even though the formal proposal is made by the public schools. Funds are channeled through the local education agency, and they must supervise the operation of the program.

Section 205(a)(2) of ESEA Title I provides "that, to the extent consistent with the number of educationally deprived children in the school district of the local educational agency who attend nonpublic schools, such agency has made provision for including special educational services and arrangements (such as dual enrollment, educational radio and television, and mobile educational services) in which children can participate without full-time public school attendance."

Title II of ESEA provides for "acquisition of library resources (which for the purpose of this Title means books, periodicals, documents, magnetic tapes, phonograph records, and other related library materials) and printed and published instructional materials for the use of children in public and nonprofit, private elementary and secondary schools in the state." The criteria to be used in allocating Title II resources, according to the legislation, must "provide assurance that to the extent consistent with law, such library resources, textbooks, and other instructional materials will be provided on an equitable basis for the use of children and teachers in private elementary and secondary schools in the state which comply with the compulsory attendance laws of the state or are otherwise recognized by it through some procedure customarily used in the state." Such materials have to be approved by the state agency and are considered loans to pupils and teachers in nonpublic schools.

Nonpublic school pupils are also intended to benefit from Title III of ESEA, which authorizes supplementary educational centers and services. New amendments to ESEA approved by Congress in the spring of 1970 make it possible, under certain conditions, for nonpublic schools to bypass the state and deal directly with the U.S. Commissioner of Education in developing a Title III program. Here is the wording of the guideline implementing the new legislation: "If any state which has a state plan approved under section 305 (C) (of Title III) and in which no state agency is authorized by law to provide, or in which there is substantial failure to provide, for effective participation on an equitable basis in programs authorized by this Title by children enrolled in any one or more private elementary or secondary schools of such state in the area or areas served by such programs, the U.S. Commissioner of Education shall arrange for the provision, on an equitable basis, of such programs and shall pay the costs thereof for any fiscal year out of that state's allotment. The Commissioner may arrange for such programs through contracts with institutions of higher education or other competent nonprofit institutions or organizations." Title III services include:

1. Comprehensive guidance and counseling, remedial instruction, and school health, psychological, and social work services...including educational programs and study areas during periods when schools are not regularly in session.

2. Developing and conducting exemplary educational programs including dual-enrollment programs for the purpose of stimulating the adoption of improved or new educational programs in the schools of the state.

3. Specialized instruction and equipment for students in advanced scientific subjects, foreign languages, and other academic subjects not taught in the local schools, or which can be provided more effectively on a centralized basis....

4. Making available modern educational equipment and specially qualified personnel, including artists and musicians, on a temporary or other basis in public and other nonprofit schools....

Within a year of the enactment of ESEA, new guidelines were issued for Title III encouraging projects involving students and teachers from nonpublic

schools, and the plan for "educational centers" was minimized in favor of providing more services in the schools.

It is generally conceded, however, that nonpublic schools have not shared as much as they might in ESEA benefits, nor have they been consulted in the planning and development phases of programs available to them.

Education U.S.A. reported in its Sept. 25, 1969, issue that ESEA had laid bare centuries-old lack of communication between public and nonpublic schools which, in the first year of ESEA, worked against thousands of disadvantaged children.

"In many cases," said the newsletter, "public school administrators were remiss; often the hierarchy of the parochial schools made communication next to impossible; frequently it was the ignorance of both parties as to the purpose of Title I projects. Whatever the reason, the operation of Title I during its first year 'was inevitably characterized by misunderstanding, inefficiency, and uncertainty'...(according to) a national evaluation of the impact of Title I on the participation of nonpublic school children, conducted for the U.S. Office of Education by a staff of Boston College headed by Vincent C. Nuccio."

The Nuccio probe revealed: that (Title I) projects had been approved that bore little, if any, relationship to the educational needs of children who are not enrolled in the public schools; that contact between officials of the two school systems was almost nonexistent prior to Title I, and while Title I brought together administrators of the two school systems, there was a lack of follow-through; that parochial leaders were not involved in the preparation of project evaluation reports. Nuccio also criticized "the complex organizational structure of Catholic schools with a generally weak approach to internal coordination" as contributing to their lack of knowledge of the provisions of ESEA intended for their benefit.

Another view is given by Stephen K. Bailey and Edith K. Mosher in ESEA: The Office of Education Administers a Law (Syracuse U. Press; 1968, 393 pp.):

> ...Perhaps the most remarkable thing about the first year's experience under ESEA was the limited number of conflicts and tensions that marked the administration of nonpublic school benefits. The general tone of Catholic response was one of appreciation for the inducements offered by ESEA for public-private educational collaboration--often for the first time. If some Catholic leaders felt that parochial schoolchildren were not receiving all they were entitled to under the act, they were prudent in the tone of their concern--not wanting to upset by aggressiveness the delicate political balance which had produced the first major federal assistance to parochial schoolchildren.

The Education Commission of the States has itemized additional programs of federal assistance to private nonprofit schools as follows: Federal Property and Administration Services Act of 1949, National School Lunch Act of 1946, Agricultural Act of 1949, Child Nutrition Act of 1966, Higher Education Act of 1965, National Science Foundation Act of 1950, and Economic Opportunity Act of 1964. To this list can now be added the National Highway Safety Act

of 1966 and the Vocational Educational Amendments of 1968 which include "special help for public school and private school students in areas with high dropout rates and high youth unemployment."

All together, these acts, along with NDEA and ESEA, provide significant aid to pupils in parochial and other nonprofit private schools.

Crisis in the Catholic Schools

In states which have moved decisively to aid nonpublic schools, the traditional argument that such aid violates the separation of church and state seems to carry less weight than a new economic argument--that it may be cheaper to aid parochial pupils now than to take on the full cost burden if their schools were forced to close.

President Nixon appears to have been moved by the same argument. In his 1970 education reform message to Congress, he noted that in the past two years, almost one thousand nonpublic elementary and secondary schools had been closed, and most of their displaced students had been enrolled in local public schools.

"If most or all private schools were to close or turn public," said the President, "the added burden on public funds by the end of the 1970's would exceed $4 billion per year in operations, with an estimated $5 billion more needed for facilities."

Although schools run by Protestant, Jewish, and nonsectarian groups stand to gain from more state aid to nonpublic education, Catholic schools would of course be the main beneficiaries...and the steam behind the big current push in most states is their worsening financial plight and its effect on public schools. When a Catholic school closes, the public schools face an influx of new pupils and a resulting boost in operating outlays. That often means higher local taxes.

New York State's school costs in 1968, for example, jumped $30 million after 26,000 children transferred from Catholic to public schools. Sen. Abraham A. Ribicoff (D-Conn.) has estimated that if all the Catholic schools in his state closed, the public school budget would go up $87 million per year. In Cincinnati, where parochial schools find themselves in serious financial straits, the closing of all Catholic schools would mean an estimated $52 million more a year.

One-half of Philadelphia's schoolchildren go to Catholic schools as do one-third of Chicago's. In many smaller places, parochial school enrollment is a big fraction of the local school-age population, and a cutback in the parochial system produces quick tax reaction.

A prime example is Bennington, Vt., where public school officials spent eight years planning a new "showcase" high school. Just before the new school was to open in 1968, Bennington's Catholic high school suddenly shut down and an unplanned-for 350 additional students showed up at the new public school, forcing public school officials to lengthen the school day, crowd the new classrooms, rent space in the old Catholic building, and go to the voters with

another bond issue. So the economic argument is a potent one that is winning many converts in state capitals.

The crisis in Catholic school financing stems largely from the rising costs of teacher salaries. There used to be a ready supply of nuns and priests to shoulder the teaching burden in Catholic schools at annual stipends of less than $2,000 per year. But fewer persons are entering religious orders now and the religious teaching ranks have thinned until nearly half the teachers at the typical Catholic school are laymen--90,000 today compared with 35,000 some 10 years ago. The higher pay scales demanded by lay teachers have forced the closing of many Catholic schools.

Changing attitudes of some Catholic parents also affect parochial schools, according to the Very Rev. Msgr. James C. Donohue, former director of elementary and secondary education for the U.S. Catholic Conference, the action agency for the Church's bishops. Monsignor Donohue told U.S. News and World Report in 1969 that the enrollment drop in Catholic schools from 5.6 million in 1964-65 to 4.86 million in 1969-70 was not all a matter of school closings. Fewer pupils were being entered in the first grade, he said, and "this is a result of a fall in the Catholic birth rate."

"Then, too," he went on, "many Catholic parents recently have been choosing public schools because they consider them superior, often because a great many Catholic schools have been overcrowded. Also, there's tuition. While public schools charge nothing, tuition in our schools has been going up and up."

Adding to the fiscal pinch is the concerted effort by Catholic educators to improve parochial schools by lowering class size and by providing better teacher training and more current teaching materials. The Rev. C. Albert Koob, president of the National Catholic Educational Assn., has noted that the average parochial school teacher had 44 pupils in 1958. Some teachers had 70 to 80 students. The average this year is 32 pupils per teacher.

Catholic spokesmen like Monsignor Donohue and Father Koob use the economic argument to promote government assistance to nonpublic schools, pointing to the adverse impact on public education when private institutions are forced to close. They also maintain that private schools perform a public service in providing secular education to their students. The third argument, and one which has been taken up by President Nixon, is the contention that private schools protect the values of diversity and healthy competition in American education and the right of a free choice in education.

"The best hedge we have against an education monopoly," Monsignor Donohue told a Congressional subcommittee last year, "is the continued existence and health of private nonprofit schools." If the right to select one's own school is to continue to be a reality in this country, he went on, "private nonprofit schools must continue to exist as genuine, available options for parents and students who choose them. The preservation of this option is certainly a legitimate object of public and governmental concern."

President Nixon appears to agree. In his message to Congress, he declared that his aim was not to aid religion in particular, but "to promote

diversity in education." He noted that nonpublic schools "give a spur of competition to the public schools through which educational innovations come, both systems benefit, and progress results." He declared himself against any school system, public or private, acquiring a monopoly over the education of American children.

Since that time the President has appointed as part of his Commission on School Finance a four-man panel to study the problems of private and church-related schools, consisting of Clarence Walton, president of the Catholic U. of America, Washington, D.C., chairman; William G. Saltonstall, former principal of Phillips Exeter Academy, Exeter, N.H.; Ivan Zylstra, administrator of government school relations for the National Union of Christian Schools; and Bishop William McManus, director of education for the Archdiocese of Chicago.

View from the State Capitals

The guide at the end of this report shows that state aid to nonpublic schools has gone far beyond providing textbooks and bus service to children in these schools. Four of our largest states now provide assistance in meeting the most pressing item: payment of teacher salaries in nonpublic schools, usually referred to as "purchase of educational services." They are Pennsylvania, Rhode Island, Michigan, and Ohio. Their programs are described below and in the guide at the end of this report.

Purchase of Educational Services

The four states accepting the "purchase of educational services" concept have concluded that it is better to assist nonpublic schools to remain open than to have them close. The assistance rendered is payment of salaries of teachers of secular subjects in nonpublic schools--English, mathematics, foreign languages, physical science, and physical education. States vary in the way assistance is computed. Some states provide a per capita payment for each child enrolled in a nonpublic school, and others provide graduated payments, depending upon the income level of parents of children in respective schools. States vary also in the portion of salaries which they will pay, ranging from 15% in Rhode Island to 50% in Michigan, 85% in Ohio, and 100% in Pennsylvania.

Textbooks, instructional materials, special programs for educationally deprived children, and driver education are other "educational services" purchased in varying degrees in various states. New York has voted payment of "inspection and examination expenses" to reimburse nonpublic schools for records which the state requires them to keep; this is "emergency aid," a short-gap measure to help nonpublic schools.

Even though programs such as those already enacted run into the millions of dollars per year, their cost is substantially less than the total cost of transferring children from nonpublic into public schools. Payment of partial salaries to lay teachers of secular subjects is not equivalent to paying for all secular aspects of nonpublic school education. Nor is it equivalent to paying out the same amount per pupil in the public school.

Pennsylvania

Pennsylvania was the first state to use the "purchase of services" formula of state aid. Under its law, the Pennsylvania State Dept. of Public Instruction paid the salaries for nonpublic school teachers of mathematics, modern foreign languages, physical science, and physical education, as well as the costs of textbooks and instructional materials in these subjects. The bill passed the legislature in June 1968 and took effect in September of that year. (The Pennsylvania Nonpublic Elementary and Secondary Education Act--PNESEA--was recently amended so that no nonpublic school may receive more per student than 25% of the per-student total instructional cost in the public schools of the commonwealth for the previous year. The 25% figure is based upon the limited curriculum coverage that is currently available under PNESEA.) At first, expenses incurred under the bill were financed from horse racing revenue, but in March 1970 the legislature voted to use 14% of the income from an 18¢-per-pack cigarette tax. During the first year of operation, the horse racing tax yielded $4.8 million for nonpublic schools. The cigarette tax is expected to yield $20 million this year and double that amount in 1971-72.

The Pennsylvania statute has been upheld by a Federal Appeals Court in Philadelphia, which ruled in Lemon v. Kurtzman that the child benefits from improvements to secular education whether state funds go to him, his parents, or his school. Furthermore, the Court said that the law served a public purpose and neither inhibited nor advanced the cause of religion.

The U.S. Supreme Court has agreed to hear the appeal on this case and to rule for the first time on the constitutionality of "purchase of services." The fate of many other state bills will hinge on this important decision.

Rhode Island and Connecticut

Pennsylvania's lead was followed by Rhode Island and Connecticut which passed similar laws. However, these states intend to pay only a portion of the salaries of teachers of secular subjects in nonpublic schools. Both have been challenged in lower courts, and on June 15, 1970, a three-man federal court held the Rhode Island statute to be unconstitutional as violating the separation of church and state. Anticipating favorable court action, the school system had already signed contracts with teachers for the 1970-71 school year. A stay of execution of the appellate decision was granted by the U.S. Supreme Court which will hear arguments on the case. Thus, the high court has three pending suits involving aid to nonpublic schools--two for elementary and secondary schools (Pennsylvania and Rhode Island) and one at the college level (Connecticut). The Connecticut elementary and secondary law, which was declared unconstitutional by a three-judge federal court panel on Oct. 14, 1970, is not part of the "package" now before the Supreme Court.

Michigan

"Parochiaid" has kept Michigan in a ferment ever since Gov. William G. Milliken recommended public aid for nonpublic schools. Legislative bills for parochiaid failed in two legislative sessions, but on July 4, 1970, the legis-

lature committed itself to give tax-financed subsidies to Roman Catholic and other nonpublic schools. The new program, bitterly resisted by an articulate coalition of public education interests led by the Michigan Education Assn., would aid nearly 900 nonpublic schools enrolling some 270,000 pupils. These schools could apply to the state authorities for up to 50% of the estimated average salary of $8,800 paid to 5,800 certified lay teachers of secular subjects such as English, mathematics, and science. Salary reimbursements would rise in the 1972-73 year to 75%, with an eventual total price tag of possibly $40 million in state aid. The legislation faced obstacles in the courts. No money could be disbursed until the State Supreme Court rendered an advisory opinion. This verdict came in September 1970 when the Court ruled in a 4-3 decision that the parochiaid law does not violate the state's constitution.

New York

New York State already provides bus transportation, textbook loans, school lunch, and health services to nonpublic as well as to public schoolchildren ($46 million in state and local revenue was spent for these purposes in 1967-68). In addition, a bill has been passed by the legislature which will give $28 million for "inspection and examination expenses" to meet costs of reports required of private schools. This law has been challenged in federal district court by the Committee for Public Education and Religious Liberty, a coalition of 26 civic, educational, and religious organizations.

Both houses of the New York legislature have voted to repeal the century-old "Blaine Amendment" to the state constitution which forbids direct aid to nonpublic schools. This action must be approved by the legislature and then referred to public referendum before broader forms of state aid to nonpublic schools--such as tuition grants--can be allowed. Governor Rockefeller and the Board of Regents supported repeal of the Blaine Amendment; the United Federation of Teachers and the Committee for Public Education and Religious Liberty are among those who oppose repeal.

In July 1969, New York Comr. of Education Ewald B. Nyquist authorized staff members to make a formal study of public financial support for nonpublic elementary and secondary schools, and they came up with these suggestions:

1. Extending free textbook aid to elementary pupils.
2. Providing pupil personnel services (guidance, psychological, speech therapy, etc.).
3. Providing remedial instruction in various subjects.
4. Permitting nonpublic school pupils to attend public schools part-time (dual enrollment).
5. Granting tuition scholarships to all nonpublic school students.
6. Aiding nonpublic schools directly.

Ohio

The National Catholic Educational Assn. (NCEA) believes the Ohio program gives clues to the direction of state aid in other states. For example, Ohio's bus transportation law is regarded by NCEA as "one of the finest bus

laws in the nation." This law requires the local public school districts to provide bus transportation to nonpublic schoolchildren on precisely the same basis as transportation is provided to public schoolchildren. It is not limited to public school routes, and the children are transported across public school district boundaries. If cost or other practical factors in publicly provided transportation are deemed to be unreasonable or the transportation in some way is held unnecessary, then a contract is entered into with the pupil's parents and funds are provided to that parent to assist in the transportation of his child.

Ohio's program for auxiliary services and materials is designed for the educational and cultural benefit of pupils attending nonpublic schools which meet minimum standards prescribed by the Ohio State Board of Education. It provides such items as film projectors, filmstrips, mobile laboratories, and all sorts of audiovisual aids. Additionally, children receive the services of guidance counselors, remedial reading teachers, and speech and hearing therapists. This service is rendered to the children in their own schools. They also receive supplementary texts, testing services, educational television services and, where indicated, participate in programs for the deaf, blind, emotionally disturbed, crippled, and otherwise physically handicapped.

As a result, all the nonpublic schools in Ohio now have most of the up-to-date and sophisticated educational equipment and many more educational services than were available before. Title to the educational materials remains with the local public school district, and services and materials are provided in priority classification commensurate with available funds on an application submitted jointly by the superintendent or administrative head of nonpublic schools and a parent (of a school pupil) representative for each nonpublic school. Originally the auxiliary services and materials program was funded at $25 per nonpublic school pupil. When the state continued the program, it increased the funding to $50 per average daily pupil membership and expanded the act to require the public school district to pay portions of nonpublic-school lay teachers' salaries. Money is allocated to the local public school district. It can then be used (82%) to supplement lay teacher salaries with the remaining percentage available for auxiliary services and materials. The maximum teacher salary supplementation is $3,000 per year for each lay teacher. The supplements are not paid to nuns or teaching brothers, and the salary supplementation is only provided for the teaching of secular courses.

Other recent developments in Ohio: The Ohio General Assembly required public school authorities to provide driver training courses to nonpublic high school pupils at public expense. Rounding out the assistance program, the state enacted legislation which requires the public school districts in the state to permit nonpublic school pupils to enroll in publicly financed vocational education courses at education centers. The students receive nonvocational training courses in their own schools.

Wisconsin

In Wisconsin a bill passed the senate, but was not acted on by the lower assembly, to provide tuition grants. It will be resubmitted when the legis-

lature reconvenes in 1971. Meanwhile, the Governor's Education Commission has recommended "some form of tax support for private education" and suggests these possibilities:

- Categorical aids--the state would pay for a specific nonreligious component of private school operation.
- Vouchers to parents, equal to present state educational aids, usable in a school of their choice.
- Direct tuition reimbursement to parents (the bill now in legislature would provide $50 for elementary-age children and $100 for secondary-age children).
- Census plan--so much per pupil on an enrollment basis.
- Variable voucher plan--amount dependent upon parent's ability to pay.

Maryland

The Maryland House of Delegates defeated a bill in March 1970 that had been debated for 18 months. It would have paid for textbooks and for teachers' salaries in nonpublic schools. Gov. Marvin Mandel, who repeatedly expressed himself in favor of some support to parochial schools, was blamed for defeat of the bill which would have cost taxpayers approximately $12 million per year. Soon after taking office in 1969, the governor appointed a state commission to study the possibility of state aid to nonpublic schools and to examine the legal questions and the areas of need. More than a year and a half later, the Commission still had not made its report.

Two cardinals and a bishop, all with jurisdiction in Maryland, headed the Roman Catholic Church's drive for state aid for their schools. They were aided by the State Aid Group for Education (SAGE), made up of representatives from 165 parochial schools in Maryland. They were also supported by several Protestant groups. The opposition was led by the American Civil Liberties Union, Americans United for Separation of Church and State, the Jewish Community Council of Greater Washington, the National Assn. for the Advancement of Colored People, some Protestant groups, and a small lay Catholic group, the Catholic Task Force Studying Aid to Parochial Schools. The state superintendent of schools also opposed the measure. Proponents of state aid intend to reintroduce legislation into the next assembly.

Five States Are Considering Voucher Payment Plans

At least five states--California, New Jersey, New York, Texas, and Wisconsin--are considering issuing vouchers to pay for the education of all children in their jurisdictions. Vouchers, equal in amount to the average cost of education per child in the local public schools, would be issued to parents. Parents would decide to which school, public or nonpublic, they want to send their children and would apply these vouchers to the particular school's tuition charge.

The voucher plan has been advanced by such widely different critics of public education as conservative economist Milton Friedman, liberal pyschologist Kenneth Clark, and radical author Paul Goodman. Christopher Jencks

persuaded the Office of Economic Opportunity (OEO) to give the Center for the Study of Public Policy $196,313 to study the feasibility of giving vouchers to parents to select the school they wanted their child to attend. The Center, located in Cambridge, Mass., has completed its initial study and expects to launch a multimillion-dollar experiment in radical school reform by the autumn of 1971.

Advocates of the voucher system believe it would help to improve public schools by stimulating competition and would afford poor parents more freedom of choice concerning their children's education. Nonpublic schools would be aided to the extent that they attracted pupils with vouchers, but these schools, too, would be competing with other nonpublic schools and with public schools. The net effect, say advocates, would be better education for all.

The voucher plan has been criticized as one that would promote racial segregation, support religious-oriented schools, and make dumping grounds of the public schools. Jencks replies: "It would be perfectly possible to create a competitive market and then regulate it in such a way as to prevent segregation, ensure an equitable allocation of resources, and give every family a truly equal chance of getting what it wants from the system."

Tuition Grants and Tax Credits

A variation of the voucher plan is payment by the state of a certain amount to apply to the tuition of children in nonpublic schools. Minnesota has passed such legislation. The idea was defeated in Missouri and considered in Wisconsin. Another variation of state support is tax credit. Hawaii has passed legislation giving tax credits for student dependents (kindergarten through college), varying in amount with income and grade. In Indiana, Citizens for Educational Freedom failed to win legislative approval for tax credits of $30 per child for individual or corporation contributions to nonpublic schools. Mississippi law provides loans of $200 per year for students in parochial and other private schools and forgiveness of such loans if the student continues to live and study in the state.

The National Council of Churches opposes tax credits, tax forgiveness, and exemption from school taxes or other taxes for parents whose children attend nonpublic schools, but it has not expressed itself on proposals to make parochial school tuition deductible as a religious contribution from federal or state income tax.

What the Opponents of State Aid Say

The liveliest issue at the 1970 annual convention of the million-member National Education Assn. in San Francisco was public aid to nonpublic schools. The 7,000 delegates not only called on federal and state authorities to withhold new aid to nonpublic schools but also to withdraw the help such schools are presently receiving from tax funds.

In doing so, the delegates rebuffed their own leaders who recognize such aid as a "fact of modern life." NEA leaders have laid down conditions under

which government funds could be used by nonpublic schools, such as making sure that funds are always controlled by public school agencies and that nonpublic schools benefiting from aid should have the same class size, teacher qualifications, and calendar as public schools.

The runaway action of the delegate assembly was characterized as "politically unrealistic" by their own outgoing president, George D. Fischer. He said a move to overturn such programs as ESEA had "as much chance as a snowball in hell."

NEA has also called for federal legislation which would prohibit the executive branch from establishing the voucher plan or "other experiments which could lead to racial, economic, and social isolation of children and weaken and destroy the public school system."

These NEA actions are a barometer to the alarmed sentiments of public school educators in many states who regard an outflow of public funds to private schools as a further aggravation of the none-too-healthy financial condition of the public schools.

While much of the opposition of teachers and others is grounded in the belief that no state help should go to any religious-connected institution, some foes of public aid assert that private schools drive up taxes by competing with public schools for teachers. Others, pointing to the increasing failures of school bond elections, say the short-run effect of any bills to aid private education will be to take money from the hard-pressed public schools.

Furthermore, they argue, the main casualties of any such diversion of funds would be the struggling, inner-city public schools. "These schools are at the end of the line now," said one Detroit spokesman for a group of Catholic laymen opposing parochiaid. "What happens when the Catholic schools elbow their way into line ahead of them?" he asked.

State affiliates of the NEA are flexing their muscles to wade into the battle against public aid. The New Jersey Education Assn. (NJEA), for example, characterizes a current bill to give state tax moneys to nonpublic schools in these blunt sentences: "It may be unconstitutional. It is wastefully expensive. It would keep the state from fulfilling its lagging responsibility to the public schools. And it could increase racial and religious segregation in education."

New Jersey public school spokesmen point to the fact that the state has yet to fund a two-year-old proposal by a blue-ribbon commission to increase the state's share of local public school costs. "If the state cannot fully support its public schools," says NJEA, "it certainly cannot afford to support two school systems. The state's first obligation must remain the best possible public schools, open to all children."

Michigan public school educators expressed themselves as "unalterably opposed to parochiaid" and mounted a vocal coalition which was able to stymie passage of such legislation in their state for two years. Joining the organized public school teachers to fight the bill were principals, professors, superintendents, school board and PTA members, and school business officials.

Opponents of state aid are not impressed by the economic argument of parochial schools gradually sinking out of sight, calling it a "fallacy," "panic talk," and "rhetorical blackmail."

William Haddad, cochairman of the Committee for Public Education and Religious Liberty (PEARL), a statewide alliance of 26 New York organizations with a combined membership of more than 10 million, says the threat of the proponents of state aid is to "suddenly flood the public school system with students by the mass closing of private schools unless demands for subsidy are met." Haddad maintains that this is not the alternative; that religious and private organizations favoring a special school system are not bankrupt; and that if they so chose, they could provide additional funds for their educational system, but "instead they have chosen to seek public funds."

Haddad, like other opponents of public aid to nonpublic schools, feels that such aid is discriminatory. He explains that nonpublic schools financed with public moneys but not under public control can be selective in their admissions, "skimming off the wealthiest, or the brightest, or the most stable pupils and relegating to an under-financed public school system those from extreme poverty, or with less than top ability or other deficiencies." This would mean, Haddad says, that the state "would be financing discrimination, not only in terms of economics, scholastic aptitude, and other factors but also on racial and religious grounds."

Members of the active and articulate PEARL coalition include, among others, the United Federation of Teachers, United Parent Assn., American Jewish Congress, B'nai B'rith, American Jewish Committee, New York Council of Churches, New York Civil Liberties Union, and Public Education Assn.

The Jewish Position

American Jews differ among themselves about state aid to nonpublic schools. But most of them oppose it on the grounds that it violates the Constitutional requirement of separation of church and state, and also because it would undermine the public school system. The American Jewish Congress has declared that such aid would ultimately destroy the public school system because "each of the more than 250 religious sects in this country would be encouraged to establish its own school system, each competing for access to the public purse. A multiplicity of private schools would hamper racial integration and promote further divisiveness along religious or ethnic lines. If the public schools survived at all, it would be as the dumping ground for society's rejects." The American Jewish Committee also opposes government aid. But the Aqudath Israel of America, an Orthodox Jewish movement with 80,000 students in almost 400 schools in 30 states, favors public aid and has asked for a $100 per-pupil federal payment for children in nonpublic schools.

Stance of Protestant Churches

During the 1950's and early 1960's, many of the major Protestant denominations opposed public money for nonpublic schools. Indeed, several opposed federal aid for <u>public</u> schools in those days.

There have been mergers of denominations in recent years. In some cases, the new groups have affirmed earlier statements, but in other cases there is no official current policy. In 1960, for example, the Methodist Church opposed public aid to nonpublic schools. It has no national policy on the issue today.

Among the churches which have reversed or modified earlier stands are the Lutheran Church-Missouri Synod and the Episcopal Church, both of which now favor some forms of federal support for nonpublic schools.

The National Council of Churches, which represents major Protestant denominations, has stated that it favors aid which is "compatible with the religion clause of the First Amendment and the sound principle of public control of public funds." An example of the type of help it favors is making available to nonpublic schoolchildren on a part-time basis the instruction and facilities of public schools. But the Council opposes grants from federal, state, or local tax funds for tuition, scholarships, vouchers to parents, tax credits, tax forgiveness, or exemption from school taxes for parents whose children attend nonpublic schools.

Most legislation for public aid to nonpublic schools is focused today at the state level and state councils of churches might be expected to have some influence, but this does not seem to be the case. Although state councils of churches in Connecticut, Michigan, Pennsylvania, and New York added their voice and their weight to the forces opposing public aid bills, the legislative battle was lost in each case, nevertheless.

Independent Schools' View

The National Assn. of Independent Schools (NAIS), representing 770 independent and church-related schools which enroll 230,000 students, believes that justification for expending public funds for nonpublic schools is to be found "both in the concept of freedom of choice for parents and students in selecting schools and in the variety of public services rendered by nonpublic schools. Freedom of choice, already limited by economic factors, would become meaningless if there were no alternatives to state schools."

NAIS adds that it would like to see special attention given to forms of aid which would enable nonpublic schools to participate more widely and effectively in programs designed to reduce racial imbalance in the schools, to assist economically and educationally disadvantaged pupils, to promote cooperative efforts between public and nonpublic schools, and to support programs of research and experimentation.

National Committee for Support of the Public Schools

While the National Committee for Support of the Public Schools (NCSPS) does not take an official position in legislative matters at either the federal or the state level, the question of public money for nonpublic schools has received considerable discussion at its two most recent annual conferences, at a colloquium called by its executive committee, and by the executive committee itself. Because the sole purpose of the NCSPS is to support public

education, most of its members are opposed to anything that might possibly reduce financial assistance to public schools. Many would welcome an opposition statement from NCSPS, but in order to preserve its tax-exempt status, NCSPS is not likely to take an official position.

Some Dissension Among Catholics

Not all Catholics share the belief of the National Catholic Educational Assn. and the U.S. Catholic Conference that the public should help to support nonpublic schools. The National Assn. of (Catholic) Laymen, representing 24 affiliates and 12,000 members, is "unequivocally opposed to state aid to parochial schools." It contends that "the parochial system has outlived its usefulness and ought to be phased out" and recommends a phasing-out process so that Catholic schools eventually become public schools.

Americans United for Separation of Church and State

The strongest attacks against state aid to nonpublic schools have come from Americans United for Separation of Church and State in such publications as "What Price Parochiaid?"

In the view of this group, state aid to private schools violates both the Constitution and sound social policy. It immediately raises the religious issue, says Americans United, "for 90% of the schools involved are church schools, and, of these, 93% belong to one church. Since both the church and its school exist for the same purpose and are interlocked in management, ownership, and direction, to subsidize one is to subsidize the other."

Americans United also makes the point that "there are just so many dollars for schools" and that supporting duplicate services "never saves anything for anybody." The group believes that instead of providing tax support for nonpublic schools, legislators should give the public schools the amounts needed to accommodate the nonpublic school students when their schools close.

Other Viewpoints

There are a number of organizations which have expressed a need to maintain "a viable alternative to public education." They include the following:

- The U.S. Chamber of Commerce included this comment in its 1966 report on The Disadvantaged Poor: Education and Employment: "Competition with existing public school systems offers a promising means of improving both public and private education.... Local, state, and federal governments should consider legislation which would enable communities to adopt programs establishing a public-private option for all children."

- Citizens for Educational Freedom (CEF), an organization which focuses on parents and schoolchildren--not on schools as such--generally favors government aid to church-related schools, although some of their group have been known to oppose such aid.

- The Long Island Conference of Religious Elementary and Secondary School Administrators, an organization of chief administrators of Lutheran, Hebrew, Episcopal, and Roman Catholic schools operating voluntary, nonprofit, full-time, accredited schools, supports aid to nonpublic schools.

- The National Catholic Educational Assn. reaffirmed its support for aid to nonpublic education through the cooperation of all agents of education "to affect total education" in its platform of June 1970.

A significant change in outlook could be forthcoming from one of the nation's leading Protestant churches. At its 181st General Assembly meeting in 1969, the United Presbyterian Church of the U.S.A. voted to review its opposition to support for nonpublic education.

What the Public Thinks

A reliable estimate of current opinion on the issues of financial support for the public schools and public support for nonpublic schools was obtained by a survey released in October 1970 by Gallup International, Princeton, N.J. Here are the results:

Question:

Suppose the local public schools said they needed much more money. As you feel at this time, would you vote to raise taxes for this purpose, or would you vote against raising taxes for this purpose?

	National Totals %	No Children In School %	Public School Parents %	Parochial School Parents %
For	37	35	43	37
Against	56	57	53	58
Don't know/no answer	7	8	4	5
	100	100	100	100

Question:

It has been suggested that state taxes be increased for everyone in order to let the state government pay a greater share of school expense and to reduce local property taxes. Would you favor an increase in state taxes so that real estate taxes could be lowered on local property?

	National Totals %	No Children In School %	Public School Parents %	Parochial School Parents %
For	54	54	53	61
Against	34	34	36	32
No opinion	12	12	11	7
	100	100	100	100

Question:

It has been proposed that some government tax money be used to help parochial schools make ends meet. How do you feel about this? Do you favor or oppose giving some government tax money to help parochial schools?

	National Totals %	No Children In School %	Public School Parents %	Parochial School Parents %	High School Juniors and Seniors %
Favor	48	47	47	59	56
Oppose	44	44	47	33	36
No Opinion	8	9	6	8	8
	100	100	100	100	100

Question:

In some nations, the government allots a certain amount of money for each child for his education. The parents can then send the child to any public, parochial, or private school they choose. Would you like to see such an idea adopted in this country?

	National Totals %	No Children In School %	Public School Parents %	Parochial School Parents %	High School Juniors and Seniors %
Favor	43	43	41	48	66
Oppose	46	46	48	40	27
No Opinion	11	11	11	12	7
	100	100	100	100	100

Summing Up the Pros and Cons

The "durable debate" can be expected to intensify in future months, with more legislation, more court battles, more arguments and counter-arguments. The main points in contention may be summarized as follows:

Arguments in Favor of Public Aid for Nonpublic Schools

- Nonpublic schools perform a "public service" and serve a "secular purpose." Government aid does not violate the First Amendment; it does not establish a religion; it does not prohibit the free exercise of religion.
- Public aid gives the right to select a school to families, especially those who could not afford to exercise this choice without such aid.
- Nonpublic schools provide a viable alternative to public schools. The continuation of a pluralistic society, essential to a democracy, requires options also in education.

- Parochial schools are best qualified to serve the disadvantaged.

- Public aid to nonpublic schools would be less expensive than absorbing the total cost of educating 5 million or more children who would have to transfer to public schools if their present schools close.

- Parochial schools are less expensive to operate than public schools.

- Good education thrives on competition.

Arguments Against Public Aid for Nonpublic Schools

- Aid violates the First Amendment and does not keep church and state separate. It compels nonbelievers to support religious institutions.

- It is impossible to separate the "religious" and "secular" dimensions of instruction. Aid to "secular" subjects is indirect aid to the institution itself.

- Support of nonpublic schools will attract pupils to them and will thus divert funds from public schools which need money too. Public support will encourage proliferation of nonpublic schools.

- Public schools can absorb children from nonpublic schools at less cost than advocates of public aid predict.

- Public aid would increase public control of nonpublic schools and thus mean the loss of their distinctive religious purpose.

- Churches can afford their own schools if they want them enough. Not all Roman Catholics want government aid or wish to continue their own schools.

- Public aid would increase taxes. Tax support of multiple systems is wasteful.

- Nonpublic schools discriminate in their selective admissions policies and practices.

- Government aid would largely favor one large church.

A Suggested Approach for Assisting Nonpublic Schools

Educators who seek to arrive at a personal and professional solution to the dilemma posed by the controversy and emotionalism which surrounds this issue may find helpful clues in the discussion of "Criteria for a Public Policy" written by Henry M. Brickel, author of the State Legislature of Rhode Island study, "Nonpublic Education in Rhode Island: Alternatives for the Future," and a former professor of education at Indiana U. The "Criteria" were reprinted by the Education Commission of the States in a special issue of its magazine, Compact.

A public policy for assisting nonpublic education, writes Brickel, could involve consideration of the following:

1. Encourage public interest in and support for education.

2. Encourage diversity and quality in the forms of education available to the citizens of the state.

3. Do nothing to damage the system of public schools, but strengthen them, if possible, by encouraging alternate institutions of high quality which may serve as models.

4. Extend the alternatives now available to children enrolled in public schools as well as to those now enrolled in nonpublic schools.

5. Make the amount and type of support going to any nonpublic school commensurate with the particular needs of that school.

6. Provide responsible public control over any segment of nonpublic education which is publicly supported.

7. Limit public control to the supported segments of nonpublic education, except for the control necessary to assure that each nonpublic school which is accepted as an alternative to the public schools under the compulsory attendance law meets a set of minimum standards.

8. Make it possible for every child to have an education at least as good as that available in the public schools in the district where he resides.

9. Encourage the spending of nonpublic funds in the educational enterprise.

10. Encourage nonpublic schools which are able to support themselves to continue doing so.

11. Adjust automatically to the changing financial fortunes of the nonpublic sector of education.

12. Make it likely that public funds will be used prudently and in such a way as to achieve the greatest benefit for the funds spent.

13. Retain the basic principles of the Rhode Island public school finance law, which provides for a local/state partnership in financing all of elementary and secondary education.

14. Uphold the traditional constitutional guarantee of the separation of church and state.

PRAYER IN THE PUBLIC SCHOOLS

"Anyone who says that the Supreme Court kicked God out of the front door and let Communism in the back of the school just has never read the opinions of the Supreme Court." So said retired Supreme Court Justice Tom Clark recently, referring to two of the most widely misinterpreted legal opinions in history--the 1962 and 1963 decisions on prayer and Bible reading in the public schools.

Religion writer Louis Cassels of United Press International, who has been following developments in the schools, religion, and the courts for a quarter of a century, agrees. Even among school authorities and journalists "who should know better," says Cassels, the idea persists that the Court "banned" prayer and Bible reading from public school classrooms.

It did not. In Engel v. Vitale, the 1962 "Regents prayer" case, the Court held that a public school may not require the recitation of an officially sponsored prayer as part of a classroom religious exercise. In Abington v. Schempp the following year, the Court said that a public school may not require the reading of a portion of the Bible or the recitation of the Lord's Prayer as part of a classroom religious exercise. In both cases, the Court was dealing with the practice of religion through devotional exercises and saying that any establishment of this practice of religion in the schools violates the First Amendment. In other words, the school was not to take sides in matters of belief.

But far from outlawing the study of religion or of the Bible, the Court went out of its way to encourage such teachings. Writing for the majority in Abington v. Schempp, Justice Clark declared that an individual's education was incomplete "without a study of comparative religion or the history of religion and its relationship to the advance of civilization." He added that the Bible was worthy of study "for its literary and historic qualities." In a concurring view, Justice William J. Brennan also pointed out that the high court's decision did not foreclose teaching about the Holy Scriptures or the differences between religious sects. In fact, said Brennan, it would be "impossible to teach meaningfully" many subjects in social sciences or the humanities without some mention of religion.

These words of encouragement for teaching the young about religion were largely swept away in a torrent of invective from those who claimed that their children's "right to pray" was being forbidden by "God-less" schools. Some schoolmen over-reacted with administrative rules that virtually made a taboo of any mention of religion; others quietly ignored the whole thing and went on opening the school day with prayers and Bible readings. They got

away with it because nobody challenged the practice. In 1969, however, several cases of outright defiance of the Court were challenged, and sentiment appears to be hardening among both the pro- and anti-prayer factions to return the issue to the Supreme Court for reaffirmation or modification.

Leyden, Mass.

The Leyden, Mass., Elementary School garnered national publicity in 1969 when it began the practice of having pupils assemble each morning for a five-minute prayer period. Customarily the teacher or a volunteer chosen by the teacher read the Bible or led the Lord's Prayer. Pupils were told they did not have to take part in these exercises. On Oct. 21, 1969, Massachusetts Atty. Gen. Robert H. Quinn ruled that the practices were "primarily religious in nature and intended to advance religion." He did, however, approve periods of silent meditation, and the Massachusetts Superior Court has decreed that students may pray, providing teachers do not participate.

Netcong, N.J.

In the fall of 1969, the Netcong schools instituted "voluntary" prayers in the school gymnasium. Students who wished to join could sit or stand in the bleachers while a student volunteer read as "remarks" from the Congressional Record, the prayer of the chaplain of the U.S. Senate or House of Representatives. New Jersey Atty. Gen. Arthur J. Sills concluded that the exercise was unconstitutional. When schools in Netcong and another community, Wallingford, continued the exercises, Sills, joined by the Commissioner of Education and the State Board of Education, obtained an injunction from Superior Court Judge Joseph H. Stamler ordering them stopped. The Netcong board has said it will appeal the Court's order.

Western Pennsylvania

The Albert Gallatin Area School District in Fayette County, Pa., voted March 17, 1969, to conduct Bible reading and nondenominational mass prayer in classrooms. The District was taken to court late in the year for what the New York Times called "a calculated experiment in defiance of the Supreme Court's denial of prayer and Bible reading in public school classrooms." The case had been brought by Edwin J. Mangold of Fairchance, Pa., and the American Civil Liberties Union (ACLU). Mangold, a Roman Catholic, and president of The Holy Name Society in his parish, said: "To me it is a sacred thing--just as sacred as religion--that you can't just violate the law laid down by the Supreme Court because you happen to disagree with it."

On Dec. 18, 1969, Judge Julius Rosenberg of the U.S. District Court for the Western District of Pennsylvania, issued an injunction against the Gallatin School District, ordering the cessation of prayers and Bible readings. While expressing sympathy for the pro-prayer conviction of people in the area, the Judge declared the practices were an establishment of religion and therefore unconstitutional. The school district has appealed this decision and has been allowed to continue the practices while the case is pending.

Mangold, the ACLU, the American Humanist Assn., the American Jewish Congress, and some Protestant ministers have asked the Third Circuit Court of Appeals to restore the injunction while the case is pending.

Motivation behind this current "back-to-the-Bible" movement is complex. Some observers think it stems from adult frustrations over such phenomena as the youth rebellion, high taxes, inflation, and what they consider a "permissive" court system. Their aim, like that of the Pennsylvania parent who declared that "youngsters went to hell when God was put out of the classroom," seems to be a return to older, simpler truths. Some of the pro-prayer factions feel they can get around the court decisions by providing a period of voluntary "silent meditation" in which students are free to pray privately, to think deep thoughts, or just stare out the window. This practice, thus far, has encountered no objections from the courts, and at least one responsible student of religion and education has said that it is as "unconstitutional to stop a student from praying as it is to make him pray." Exec. Secy. James V. Panoch of the Religious Instruction Assn., Fort Wayne, Ind., says that so long as it does not interfere with the rights of others, any individual, including a student, "may practice his religion anywhere, even in school." Panoch points out, however, that "in a public school, this practice of religion under the direction of the individual is necessarily limited."

The National Prayer Amendment Move

First to propose an amendment to the Constitution to permit prayer in the schools was Rep. Frank Becker of New York, but the national hero of the pro-prayer forces was the colorful former Senator from Illinois, Everett M. Dirksen. For years before his death, the Republican leader doggedly sought approval for the following amendment:

"Nothing contained in this Constitution shall prohibit the authority administering any school, school system, educational institution, or other public building supported in whole or in part through the expenditure of public funds, from providing for, or permitting, the voluntary participation by students or others in prayer. Nothing contained in this article shall authorize any such authority to prescribe the form or content of the prayer."

Senator Dirksen, giving up on the prospect of Congressional approval, had quietly pushed petitions for the alternative method of amending the Constitution--a constitutional convention called at the request of the legislatures of two-thirds of the states. When he died in 1969, 32 of the required 34 states had passed such petitions. Dirksen's crusade has been taken up by the Bloomington, Minn., Jaycees in a nationwide campaign, "Project Prayer." The group has opened an office in Washington, D.C., and claims to have secured 350,000 signatures in support of a Constitutional amendment to permit voluntary nondenominational prayer in public schools. Among those opposing the Jaycees is the Minnesota Civil Liberties Union.

Some states have passed legislation providing for a meditation period during the school day, stipulating that no pupil has to participate. Ohio passed such a law in 1969, and a similar bill was introduced in Rhode Island. In Maryland, the General Assembly enacted a bill to go to public referendum

stating that "nothing shall prohibit references to a belief in God at public occasion or in public places." Early this year, Richard J. Hughes, then governor of New Jersey, vetoed for the second time a bill authorizing silent prayer or meditation at the beginning of the school day, saying it was a "meaningless gesture without significant effect."

Shades of the Monkey Trial

Another issue causing a clash between fundamentalist religious philosophy and the courts has surfaced in Arkansas and California--the teaching of evolution in the public schools. In 1965, a biology teacher at Central High School, Little Rock, Ark., instituted court proceedings to test the legality of using a textbook which contained a chapter setting forth "the theory about the origin...of man from a lower form of animal." Teachers were in favor of this text but were afraid of running afoul of an anti-evolution state statute adopted in 1928, a year after the famous Scopes trial in Tennessee.

The Chancery Court held the state law unconstitutional because it "tended to hinder the quest for knowledge, restrict the freedom to learn, and restrain the freedom to teach." Whereupon the State Supreme Court reversed the lower court, sustaining the state's power to specify the curriculum of public schools.

The U.S. Supreme Court struck down the state law in 1969 because of "its conflict with the Constitutional prohibition of state laws respecting an establishment of religion or prohibiting the free exercise thereof." The Court said that Arkansas' law was singling out one segment from the body of knowledge to be banned because it was "deemed to conflict with a particular religious doctrine; that is, with a particular interpretation of the Book of Genesis by a particular religious group." The Court also said: "The state's undoubted right to prescribe the curriculum for its public schools does not carry with it the right to prohibit, on pain of criminal penalty, the teaching of a scientific theory or doctrine where that prohibition is based upon reasons that violate the First Amendment."

On the West Coast, differences over whether evolution is a theory or a scientific fact generated a hot controversy in California. Evolution as fact was supported by the State Advisory Committee on Science Education, which drew up new guidelines for statewide instruction and passed them on to the State Board of Education. The advisory group rejected religious explanations of creation as being unacceptable for use in science classes.

But the State Board, which has final say on what goes into the guidelines, revised them to have evolution taught as "theory" instead of as fact. In other words, the Board decreed that various theories about the origin of life--the Bible, Aristotle, Darwin--should all be included within the state-approved curriculum which publishers follow in developing textbooks prepared for California and used widely throughout the rest of the country. Among those who objected to the Board's action was the California School Boards Assn. and some scientists who argued that evolution is a fact, established by observed changes in living things over the ages, and that it must not be "downgraded" by being presented as a theory.

TEACHING ABOUT RELIGION IN THE PUBLIC SCHOOLS

A few years ago in a community regarded as above average culturally, high school juniors and seniors revealed on tests that they thought Sodom and Gomorrah were lovers; that the four horsemen appeared on the Acropolis; that the Gospels were written by Matthew, Mark, Luther, and John; and that "parodies" were employed by Jesus in his teachings. They could not complete such familiar quotations as "Many are called, but few are_____"; "They shall beat their swords into_____"; "The love of money is the root of all_____." Nor did they know the origin of such expressions as the patience of Job, a doubting Thomas, a Nimrod, a Judas, a Jonah, or the Adam's apple. When these findings turned up in his Newton (Mass.) High School classroom, English teacher Thayer S. Warshaw arranged for two of his classes to read the Bible, not as a religious book, or even as literature, but as a source book for the humanities. It was understood from the beginning that there would be no discussion of meaning or interpretation, and that the King James version would be employed because that is the text from which most of the quotations encountered in everyday life are taken.

Warshaw's contention was that the Bible, while a religious book, "is also a part of our secular cultural heritage" and essential to the pupil's understanding of allusions in literature, music, the fine arts, news media, entertainment, and cultured conversation. "Is the student to study mythology and Shakespeare, but not the Bible? Is it important for him to learn what it means when a man is called an Adonis or a Romeo, yet unimportant for him to be able to tell a Jonah from a Judas?" Warshaw asked.

Two high schools at Newton have been using this approach for six years. And they have expanded its scope in recent years. "At our high school I am offering an elective course in the Bible, in addition to units given by other teachers," Warshaw explains. "It no longer restricts itself to the Bible as background for literature and the humanities, although that consideration is still central. In contrast to the original model, we discuss questions of interpretation of certain passages--giving due acknowledgment to various religious positions. We also look at some literary aspects of the literature--especially the formal, esthetic techniques. And pupils produce audiovisual projects, tying Biblical passages to music, art, mythology, literature, or current affairs."

AASA Dispels Fog

The fog of timidity and hesitation that engulfed many schoolmen after the 1962 and 1963 Supreme Court decisions lifted somewhat in 1964 when the

American Assn. of School Administrators (AASA) published a forthright statement declaring that far from being "regressive," the rulings paved the way for a "larger and deeper place for religion in our culture."

The special AASA commission on religion headed by Sidney P. Marland Jr., then Pittsburgh, Pa., superintendent, called on the schools to develop a constructive program of objective instruction about religion. The commission noted that "a curriculum which ignored religion would itself have serious religious implications. It would seem to proclaim that religion has not been as real in men's lives as health or politics or economics.... As an integral part of man's culture, religion must be included."

Other powerful segments of American society, including most Protestant church denominations and Jewish organizations, echo the conviction that schools should include the objective study of religion. Even those groups known for their zealous defense of civil rights and of the separation of church and state--the American Civil Liberties Union (ACLU) and Americans United for Separation of Church and State (AUSCS)--accept this approach. While opposing both elective and required courses in religion in elementary and secondary schools, the ACLU says it "recognizes the validity of teaching about religion when questions of religious influences or religious motivation arise in other academic courses." AUSCS adds this comment: "Teaching in public schools about religious heritage as a significant part of this country's history is proper."

Despite wide support, many feel schools have not advanced very far in this kind of education. Louis Cassels of United Press International charges, for example, that schoolmen have used the Court decisions as "an excuse for avoiding what they see as a ticklish and difficult task," and in so doing, have helped to perpetuate public misunderstanding of the rulings.

Experiments Are Under Way

Other observers point out that progress is being made--if slowly. In the state of Indiana, for example, an optional literature course has been developed to present the Bible in the light of 19th century "higher criticism." In Pennsylvania, a new course on "Religious Literature of the West" (to be followed by one on the East) attempts a broader perspective, including not only selections from the Bible but also from the Koran and rabbinical writings. The U. of Nebraska has pioneered a program which incorporates religious viewpoints on various topics in English courses. And materials for an enrichment program for the social studies curriculum are now being tested in about 60 classrooms in Florida. Developed by a panel headed by Robert A. Spivey, chairman of Florida State U.'s religion department, the curriculum explores such areas as how the faiths started and grew. In one of the courses being tested, high school students discuss matters ranging from evangelism to abortion.

The Greater Cleveland Social Science Program (GCSSP), a curriculum project of the Educational Research Council of America, now in its seventh year of development, includes serious study of religion for elementary school children beginning in second grade. GCSSP starts out by giving second grad-

ers a framework for studying a community's geography, economics, political science, sociology-anthropology, history, philosophy, and religion. Third graders examine Puritanism, religious liberty in the American tradition, and the pluralistic religious atmosphere in today's great cities. Fourth-grade units on India permit some simple insights into Hinduism and Islam. In the fifth grade, youngsters tackle religion in depth, including such topics as the faiths of Sumer and Babylon, early Christianity, the Reformation and Counter-Reformation, Shinto, and Buddhism. Finally, sixth graders examine some 19th century "isms" and the impact of the scientific revolution on religious beliefs from Galileo through Newton to Darwin.

These are some of the major developments on the teaching-about-religion front. To get a feel for what is happening elsewhere, Education U.S.A. informally canvassed state departments of education and local school districts in the spring of 1970. The results are reported in the following pages.

Paucity of State Guides

Only five states of the 37 replying to Education U.S.A.'s query reported that they had written policies or guidelines to help local school boards and staffs to develop curriculum offerings in the field of religion. The policies of California, Florida, Maine, and New Hampshire were issued shortly after the 1963 Supreme Court decision and tend to emphasize the "thou-shalt-not" aspects.

Oregon, on the other hand, issued its policy statement in 1969 and it covers all bases, positive and negative. Drawn up by members of the State Board of Education, the superintendent and deputy superintendent of public instruction, the associate superintendent of elementary and secondary education, and the associate superintendent of community colleges, it contains these 12 points to guide Oregon administrators on practices and procedures:

- Factual and objective teaching about religion is to be distinguished from the teaching of religion. For example, religion is often a factor to be considered in history, art, literature, or music. Teachers may explain the meaning of religious holidays (Hanukkah, Christmas, Passover, St. Patrick's Day, Good Friday, etc.) as viewed by a religion's adherents and others, but may not recognize such holidays with religious observances or symbols in the classroom or otherwise.

- Instruction in morality, ethics, and values is encouraged; however, instruction shall not resort to partisan religious sanctions.

- Bible reading for historical or literary instructional purposes is encouraged; however, where attendance is mandatory, Bible reading may not be used for devotional purposes or to influence religious beliefs. The distribution to individual students on school property of New or Old Testaments, Bibles, or other religious literature (other than for clearly identified school curriculum purposes) cannot legally be permitted according to an opinion of the attorney general. Recitation of prayers in classes also cannot be legally required or sponsored by school officials.

- Neither instructional materials (including films) nor required assembly programs shall be used to promote or encourage nonreligion, partisan religion, partisan religious viewpoints, religious groups, or partisan religious activities.

- Religious music as part of a secular program or concert shall be permitted. School choruses, bands, orchestras, etc., may accept invitations to perform at nonschool religious functions only on condition that any member of the group may be excused at his request, without penalty.

- No public school funds shall be used for an intended devotional display or religious symbols such as a Star of David, cross, crucifix, Christmas nativity scene, or a Buddhist statue of sacred monkeys.

- Religious baccalaureate services shall not be a required school activity. Student representatives of graduating classes desiring to have a baccalaureate service outside school hours may arrange with a clergyman for his services and for suitable facilities. Attendance at any such services should be entirely optional with class members and school personnel acting as private individuals.

- A pupil's religious beliefs shall be honored by excusing him without penalty at his parent's request from school attendance on his own official religious holidays. Also, upon a parent's request, school requirements or activities will be modified to accommodate an individual pupil's religious beliefs.

- Transportation for private and/or parochial school students shall be furnished in accordance with the provisions of OPS 332.415. This statute directs district school boards to provide the same transportation services to private or parochial pupils as it provides for its own pupils when the private or parochial school is along or near the bus route.

- Teachers shall be judged solely on their professional competence and not on the basis of their religious beliefs, nonbeliefs, or associations. No person shall be barred from employment as a teacher merely because of membership in a religious group. However, no distinctively religious garbs may be worn while teaching in a public school.

- Dual enrollment whereby students who wish may pursue a portion of their studies in the public school and another portion in a nonpublic school is permissible, and school districts should cooperate with parents and nonpublic school officials in making such arrangements.

- School districts should make every reasonable effort to accommodate released-time programs whereby pupils may be excused from school to attend schools giving instruction in religion in accordance with OPS 339.420.

Four other states--Delaware, Georgia, New Mexico, and Rhode Island--told Education U.S.A. they planned to develop guidelines. New York State, while

it has no specific guidelines for teaching about religion as such, reported that its courses for ninth- and tenth-grade social studies contain recommended materials for teaching not only about the Judeo-Christian heritage but also about the major religions of the non-Western world. State curriculum materials in this field are developed from recommendations made by advisory committees of school and college personnel and are referred to and discussed with the Education Commissioner's Interfaith Advisory Committee.

In Texas, the State Board of Education has not adopted policies concerning teaching about religion, but the state department of education does have accreditation guidelines for the teaching of the Bible in high schools. Such instruction is given in churches by either pastors or laymen and is accredited for graduation from public high school.

School Policies Are Scarce, Too

Duluth, Minn., is one of the few school districts in the Education U.S.A. canvass reporting written general policies on religion and public education. The system's policies include directions on such matters as religious services and holidays, absences for religious observances, high school baccalaureates, and cooperation in after-school and out-of-school activities. The system also has a written "Policy for Approaching Religious Issues" for teacher use and guidelines spelling out steps in teacher preparation. These policies have been drawn up by the school administration in consultation with the community at large, including the Duluth Schools' Human Relations Committee.

Gneral policies are scarce; policies on what to do about Christmas are more numerous. As one writer has pointed out, Christmas is the season to be merry--unless you are a teacher. David L. Barr of the Religious Instruction Assn. wryly observed that for many a teacher, 'tis the season to be wary. The community observes with "more than passing interest" the seasonal school yard displays and those angels in the school pageant.

In the early days following the Supreme Court rulings, many teachers found themselves in a quandary. Should they continue to let the youngsters belt out "Silent Night" or should they stick to "Rudolph, the Red-Nosed Reindeer"?

Most experts believed that the rulings had made clear that public schools could no longer deal with Christmas as if their entire constituency were Christian. On the other hand, schools could not celebrate Christmas as if the Christians were wrong.

Schools obviously had to do something about Christmas, and before long, AASA offered helpful suggestions. In its 1964 report on religion, it recommended "reasonable recognition of Christmas in the schools in the spirit of exposition of the differing rites and customs of families, cultures, and creeds." In other words, the public school should approach Christmas in an attempt to educate the student, not convert him. Teachers could use religious material at Christmas (the Bible, religious symbols, carols, pageants), but only for the purposes of education and not for the purposes of religion.

These were some of the school policies regarding Christmas revealed by the Education U.S.A. survey:

• The Matteson, Ill., school board adopted a statement on "Religious Observances and Activities Related to Specific Religions" in December 1964. After citing various Illinois Court rulings, it said:

"The policy of this district shall be to avoid exclusive emphasis on the Christian aspect of the Christmas season. There exists sufficient historical reference to the observance of the winter solstice and the observances practiced by both Christian and Jew so that the festivities of the season can readily be placed in their proper historical context, should such be desired.... Instruction in the social and historical aspects surrounding such festivities should be accomplished with good taste and care, considering the wide background of the pupils and the admonitions (of the courts). Traditional songs of the season may be incorporated into appropriate programs within the schools but sensitivity to the problems of our multifaceted society should be maintained."

• The Clark County School District in Las Vegas, Nev., adopted the following regulations on religious holidays:

"Holidays are observed only within the mores of the culture. Songs and customs which have become commonly accepted in the American way of life, even though their origins may have been of a religious nature, are considered to be a part of the mores of the culture. For example, Christmas and Easter observances in the schools can be kept at the cultural-custom rather than the religious level. Except in school attendance areas where the vast majority of people are Christians, there usually are a few critics relative to Christmas activities in the schools by non-Christians. Principals are requested to discuss Christmas activities with their staffs and caution them about assigning roles in Christmas plays to non-Christian pupils. Attempt to keep all Christmas activities on a cultural-custom rather than a religious level. Please handle this matter delicately and without prejudice."

• The Salt Lake City, Utah, schools are guided by "Procedures Concerning Holidays and Religious Holidays" which state that: "Any program or activity planned to observe a religious holiday should be appropriate for school presentation or sponsorship. It should be the type that promotes mutual respect and good will among the total student body. The religious faiths of all students should be respected. No one should suffer embarrassment or be ridiculed for his particular belief...."

What They Teach

According to the Education U.S.A. canvass, most of the courses or units touching on religion in the public schools center on the Bible as literature or are offered as part of social studies, history, or the humanities. Some are elective; some required. For example:

East Detroit, Mich., emphasizes the study of the Bible as literature. Conflicts in the Bible are related to problems of modern man in this course.

Holland, Mich., offers a twelfth-grade elective course on the Bible for the student who wants to learn the circumstances under which it was written, possible errors which have crept in, division and themes of the various books, and controversial areas. Christian art, poetry, hymns, psalms, and church architecture are also surveyed.

Needham, Mass., says two of the aims of its Bible as literature course are to acquaint students with the Judeo-Christian heritage as background for the study of modern literature and to help students recognize and appreciate Biblical archetypes, symbols, and references in literature.

Other systems which offer study of the Bible as an elective course include Corpus Christi and Dallas, Texas; Bloomington, Ind.; Flat Rock, Mich.; Lynnfield, Mass.; Sidney, Nebr.; Altoona, Pa.; Onarga, Ill.; and Bound Brook, N.J.

Religion is a unit of the English curriculum at Rittman, Ohio. In a twelfth-grade elective "advanced composition" course, the student researches and writes papers on the seven major religions. This school district also has a new anthropology course in which religion is shown as an integral part of man's social development. Bound Brook, N.J., has a six-week unit on Literature of the Old Testament, while Montgomery County, Md., offers units on the Bible as literature in grades 7-12.

Among the systems which incorporate teaching about religion into history, social studies, or humanities courses are these:

Merritt Island, Fla.: A humanities course has units on several religions.

Conneaut Lake, Pa.: A twelfth-grade social studies course surveys the modern religions of the world.

Hinsdale, Ill.: Religion is part of World Culture, sociology, and pyschology courses.

St. Louis, Mo.: Comparative religions is an elective ½ credit course, grades 10-12.

White Plains, N.Y.: A required tenth-grade social studies course has one unit which develops major religions of the world.

Freeville, N.Y.: Religion is part of a World Philosophies course and is frequently a vehicle used in both literature and social studies classes. Comparative Religions is an elective course.

Oak Park, Mich.: A social studies elective on Comparative Religion and various social studies classes contain units on the influence of religion on man and his environment.

Gloucester, Mass.: A new course, Philosophy II, covers the world's major religions.

Lake Geneva, Wis.: A required senior humanities course has a unit on world religions.

Artesia, Calif.: Historical Survey of Religions in the United States is a one-semester elective, grade 8.

Bethelem, Pa.: Comparative Religion is approached from a philosophical point of view and incorporates the interrelationship between religion and culture, particularly minority cultures.

Wheeling, W. Va.: "We are attempting to develop units in social studies for grades 4-6. If this program is approved, it will replace the released-time program now in effect."

Farmington, Conn.: World History includes either a unit on world religions or the content of that unit integrated into the basic material. Humanities course includes readings of one New Testament gospel, contemporary translations of the Epistles, the Book of Job, several minor prophets, selected sacred Oriental scriptures, and some theology.

Fairfield, Conn.: Units on religion in grades 7-8 social studies and in World History and Problems of Democracy courses.

Sidney, Nebr.: Grade 12 "Modern Problems" students select a religion for an in-depth study, giving oral and written reports.

A 1970 study by Alan Gorr, assistant professor of education, Augustana College, Rock Island, Ill. (see p. 39), came up with results similar to the Education U.S.A. survey. He mailed a questionnaire to all high schools with 1,000 or more students and received returns from 52% of those contacted. The results showed that 48% of the respondents have courses which "teach about religion objectively." The results also showed that only 5.7% of the responding high schools teach about religion in a separate course. In sharp contrast, 41.7% teach about religion as part of other courses. The most popular courses for teaching about religion, Gorr found, were world history (30%), humanities (11.6%), world literature (4.9%), and other (17.7%).

New Look in Parochial School Teaching

Some 75 parochial schools or diocesan school systems responded to the Education U.S.A. query, with several reporting a distinctly modern look to their religion offerings. Among titles listed were these: Contemporary Religions, Personality Development, Social Problems, Black Theology, Film Studies, Technology and Current Fiction.

One Catholic school spokesman told Education U.S.A. that the trend in parochial schools is for religion courses to be "less theology and more psychology, sociology, and literature. Much of what we call teaching religion today," he said, is aimed at aiding students in their search for identity and self-understanding.

He also noted that the methodology is "less indoctrination and more the presentation of patterns of thinking, of the 'why' of things being learned, and of opposing views."

COOPERATION BETWEEN PUBLIC AND NONPUBLIC SCHOOLS

The Elementary and Secondary Education Act of 1965, in the view of one superintendent, "pushed everybody into cooperating." If public and nonpublic school administrators wanted federal funds, the law said they had to work together on projects. Today, with many parochial schools facing extinction, a new urgency to "get together" is felt, and has sparked even closer informal liaison in many local communities. Here are some examples of such liaison:

- In Philadelphia, the public and parochial schools believe the need for close cooperation is so important that they released the following joint public statement on the subject: "The critical needs of all of Philadelphia's children have led the Philadelphia Board of Education and the Archdiocesan Board of Education to clear realization of the necessity to work for the joint solution of their common problems. The education of the children of Philadelphia depends upon the strength of the two great educational systems: the public school system and the parochial school system. Each is essential to the welfare of the city and its children; each is fundamentally dependent upon the other. If one suffers, the other inevitably suffers. Both school systems face severe financial crises which will intensify in the days ahead. The financial failure of either system would seriously endanger the financial stability of the other and this prospect must be avoided. The Archdiocesan Board of Education recognizes specifically the need for the Catholic community to be committed wholeheartedly to the financial support of public education. In turn, the Philadelphia Board of Education recognizes the need for governmental aid for the secular education of children in nonpublic schools. It is therefore essential that the two systems work in close harmony not only in the field of education but also in the solution of their respective financial problems. To these ends the two Boards have agreed to work jointly to secure the city, state, and federal funding necessary to provide essential educational services for all the children of Philadelphia. To achieve these objectives a joint committee of the two Boards has been established."

- In Bismarck, N. Dak., public and nonpublic officials swap school calendars, curriculum guides, salary schedules, and other operational data.

- In Louisville, Ky., the lay parochial board of education meets informally with the public school board from time to time to explore possible avenues of cooperation.

- In Bardstown, Ky., parochial school faculties are invited to observe inservice workshops for teachers conducted in the public schools.

- In Davenport, Iowa, the Catholic Board of Education invites public school officials to most of its meetings.

- In Pittsburgh, Pa., Supt. Bernard McCormick says he phones parochial school administrators almost every day on matters of mutual concern. "I don't even close the schools for snow without consulting with them!" he says.

Public/nonpublic school cooperation has a long history with some patterns of working together going back more than half a century. Sometimes the cooperation consisted of the public school opening its doors for courses which children could not receive in their own nonpublic schools, such as shop or home economics. Sometimes it took the form of sharing recreational facilities and programs of the public schools with nonpublic students. Sometimes arrangements were made for children to be released from public school to go to their churches for religious instruction.

Released Time

The U.S. Supreme Court has twice reviewed "released time," that arrangement whereby children are excused from public school classes to take religious instruction under religious auspices. In 1948 in McCollum v. Board of Education, the Court ruled against a Champaign, Ill., program because such classes were held within the public schools. Four years later, in Zorach v. Clauson, it upheld a New York City program because children were excused to take religious instruction away from school property.

The classic authority for released time is based on Justice William O. Douglas' assertion in the Zorach decision that when the state encourages religious instruction or cooperates with religious authorities by adjusting the schedule of public events to sectarian needs, it "follows the best of our traditions...respects the religious nature of our people...accommodates the public service to their spiritual needs."

The Zorach decision, however, failed to undo the effects of the McCollum ruling, which had caused schoolmen to assume that all released-time programs were unconstitutional and to abandon them.

In an attempt in the early 1960's to revive interest in weekday religion instruction on "released, reserved, or dismissed" time, the National Council of Churches, which represents most Protestant denominations, developed curriculum materials for all grades, known as the "Through the Week Series," and these are now being used by various areas.

In a statement, the Council underlined these reasons for the need for weekday religious education:

> ...It is our belief that American education is dedicated to the proposition that the education of persons must be fully comprehensive and whole. Yet by the very nature of our traditions and our present pluralistic culture, and for reasons determined by society as a whole, our public schools have not been in a position to deal

adequately with that portion of human experience commonly called religious. We therefore affirm that the churches have an urgent responsibility to bear witness to the revelation of God within the totality of man's experience. There is a special need to help children and young people to interpret their public school education in this perspective.

Shared Time-Dual Enrollment

"Shared time," or dual enrollment, is regarded by most Protestant, Roman Catholic, and Jewish groups as a practical way to help hard-pressed nonpublic schools without endangering the separation of church and state, or weakening the public school system.

It has been defined by the U.S. Office of Education in these terms: "An arrangement whereby a child or youth regularly and concurrently attends a public school part time and a nonpublic school part time, pursuing part of his elementary or secondary studies under the direction and control of the public school and the remaining part under the direction and control of the nonpublic school.

The oldest and most numerous shared-time programs are those in which nonpublic school children go to the public school for industrial arts, home economics, physical education, and music. More recently, academic subjects such as mathematics, foreign languages, and science have been added. Some programs enroll children for a half-day in each school, but most programs involve only one or two periods per day.

The concept is used most widely in the state of Michigan. One of the largest operations of the idea in a city is found in Chicago. Catholic leaders cite the Chicago program as proof "that public and Catholic school students can be educated effectively together." The dual enrollment plan on the southwest side of Chicago has not been without problems, however. Catholic students at St. Paul School--where enrollment has been declining--have transferred as full-time students to Kennedy (public) High School. Comprehensive survey reports, conducted independently of each other by both school boards, bear testimony that the controversial shared-time experiment has been valuable and worth continuing.

This dual enrollment plan allows students from private or parochial schools to participate part time in secular classes at a public school during regular school hours. Opponents charge that such plans violate constitutional prohibitions against church-state relationships, would allow religion to be injected in public education, and would open the way for attempts by Catholic school officials to dictate policy in public schools. The shared-time proposal came from the Chicago archdiocesan school board shortly after the city's Board of Education announced plans to build a new high school on the far southwest side of the city. After receiving the request, the public school board held a public hearing at which time opponents and proponents were heard. It also sought legal opinions. Later, the Board authorized an experimental shared-time program. "Thus, for the first time in the history of the Chicago public school system," said the Board report,

"students were allowed to attend a half day of school in a public high school and a half day in a nonpublic high school." As the program now stands, St. Paul freshmen and sophomores attend classes at St. Paul in the morning and Kennedy in the afternoon. Upperclassmen attend Kennedy in the morning and St. Paul in the afternoon. Twenty minutes is allowed for students to walk the three blocks between the two coeducational schools.

The Education U.S.A. survey turned up these examples of shared-time and dual-enrollment plans:

Louisville, Ky.: Public schools have assigned two full-time teachers to teach science at Flaget High School, an all-boy parochial school. Louisville public schools also provide a number of other services to parochial schools--attendance services, including attendance officers; a visiting teacher program; census enumeration; and copies of all school bulletins.

In Milwaukie, Oreg.: Seventh and eighth graders are receiving a public education at St. John's Parochial School instead of attending the crowded, public junior high school. Shared time is no rarity in Oregon, but this is reportedly the only case in the state where public school teachers go to a parochial school to teach. The public school district rents four classrooms at St. John's for a nominal fee, so that, legally, the rooms are public school property.

Rawlins, Wyo.: The parochial school uses the public school reading laboratory and is a member of the county's multimedia center. Some public school children get hot lunches at parochial schools. Seventh through ninth graders from parochial schools attend the public schools for mathematics, science, and physical education.

Warren, Mich.: "Our district was one of the first in Michigan to initiate a shared-time program with one of our Catholic high schools, St. Anne, in 1965. St. Anne students spend half a day at their own school and half a day at Warren High School, two blocks away. They graduate from St. Anne's. In September 1969 we began an elementary shared-time program involving St. Anne's third through eighth graders. Our district has been named, along with seven other Michigan districts, in a law suit initiated by the Citizens for the Advancement of Public Education, alleging the improper spending of public funds for maintenance of such a shared-time program."

Mountainside, N.J.: "We are a K-8 elementary district with an elementary school, K-5, and a middle school, 6-8, within a few hundred yards of a Catholic grade school. We have a dual-enrollment program that permits the Catholic children to come to our schools for remedial reading, remedial math, instrumental music, typing, shop, home economics, speech, and psychological testing. We would like to do more, but our school facilities are not large enough."

Fargo, N. Dak.: "We permit parochial students to attend any of our classes in the public high schools if they care to come to one of our buildings. We have shuttle bus service for this purpise. We also share all materials housed in our teachers' materials center with parochial teachers."

Pittsfield, Mass.: Public schools lease eight rooms in a 16-classroom parochial school. Parochial school students are taught by nuns in the remaining eight rooms. Both groups share the cafeteria, library, and gymnasium.

Hillside, N.J.: There are two parochial schools in the district. The public school elementary guidance counselor visits each school to counsel and register the eighth-grade parochial students who will be entering the public high school. High school department chairmen also visit the parochial schools to explain course offerings to prospective students.

In New Hampshire, the State Board of Education has approved dual-enrollment programs for nine communities. Public and parochial school systems will share classes and resources in Manchester, Portsmouth, Dover, Rochester, Somersworth, Claremont, Newmarket, Berlin, and Franklin. The state will pay 100% of the costs this year, 50% next year, and nothing the third year.

Shared Time for Religion Only

Two unusual shared-time programs have begun in Bennington, Vt., and in Gainesville, Ga. The aim in Vermont was to provide religious instruction to children whose parochial schools had closed down. The idea in Georgia was to offer serious religious instruction during the "prime work hours" of the student's school day.

In 1967, the Bennington Catholic High School closed, and its 350 students were transferred to the public high school. At a cost of almost $800 per student, this meant an increase in the tax load of $276,800, serious overcrowding of the public high school, and considerable community tension. Religious leaders from the Catholic, Episcopal, and United Church of Christ denominations united to form the Bennington Religious Education Foundation (BREF) as "an ecumenical substitute for the parochial schools," where all children, Protestant and Catholic, could obtain religious education. Membership was open to all religious groups, and member churches assumed the costs of operating the instruction program. BREF got a big boost this year when the Vermont legislature authorized local school districts to cooperate with religious groups in adjusting the public school schedule to provide "periodic released time" (PRT). PRT differs from released time in that BREF can offer religion classes at church centers at all hours of the school day. The classes are listed in the public school catalogue as electives and have to fit into the computer scheduling process of the public schools. Courses being offered high school students by BREF include: How Do I Know I'm Doing Right?, Biblical Ideas, Mission Impossible (social action), War/Poverty, The Changing Protestant Church, and Roman Catholics in the 70's. As the Catholic elementary school in Bennington closed down this year, BREF will also offer its services to younger pupils.

The Christian Education Center, Inc., of Gainesville, Ga., was organized in 1967 by three church denominations--Presbyterian, Episcopal, and Methodist--to provide in-depth Christian education. Today, some 99 pupils from 24 denominations--including Catholic and Southern Baptist--are taking religion courses under Center auspices. They are excused from school one period every day of the school week to attend the ecumenical center.

A STUDY OF 1,000 HIGH SCHOOLS

A significant study of current trends in teaching about religion in the nation's high schools was conducted in 1970 by Alan Gorr, assistant professor of education, Augustana College, Rock Island, Ill., as his doctoral dissertation for the College of Education, U. of Iowa. The following is Gorr's summary of his study--"The Teaching of World Religions in the Public High Schools of the United States: A Critical Evaluation of the Curricular Materials in Current Use":

The 1963 decision of the U.S. Supreme Court in the case of Abington v. Schempp represents a watershed in the history of the relationship between the public schools and matters of religion. The Court, while ruling that prayer and Bible exercises were unconstitutional under the Fourteenth Amendment, recommended that schools introduce courses which would teach "about" religions without advocating any particular belief. The initial effect of the decision was, however, an across-the-board decrease in the teaching "of" or "about" religions. This seems to have been due to the many misinterpretations of the Court's intentions or from a general apprehension arising out of the long series of Court litigations in the area. In recent years, however, there has been new and widespread interest in the area.

This study did not seek to formulate arguments for or against courses in world religions, but to measure the degree of conformity of the courses or units which are offered against standards of objectivity based on scholarship in the area of world religions and the legal necessity to avoid sectarian instruction in the schools. Accordingly, the objectives of the study were fourfold: (1) to gather information concerning the teaching "about" world religions in the public high schools of the United States; (2) to derive criteria for the formulation of courses in world religions for the public high schools on the basis of the current state of scholarship in the area of world religions; (3) to apply the criteria to a critical evaluation of the curricula used in the high schools; and (4) to provide a set of recommendations which will enable educators to improve the quality of their curricular materials concerned with world religions.

The first objective was realized by surveying all the high schools in the United States which have over 1,000 students and which are accredited by the five regional accrediting associations. The survey, in the form of a post card with reply card attached, asked the questions in the following table which includes the responses.

National Summary of Data Gathered from Questionnaire

1. Question:
   We do (do not) have a course which teaches about religion objectively.

   Answer:
   Do--857 (48.1%) Do Not--923 (51.8%)

2. Question:
It is a separate course (unit of a course).

Answer:
Separate--102 (5.7%) Unit--743 (41.7%) Both--10 (.6%)

3. Question:
It is a unit of World History (World Literature) (Humanities) (Other).

Answer:
World History--539 (30.2%) World Literature--88 (4.9%)
Humanities--206 (11.6%) Other--316 (17.7%)

4. Question:
It is taught in the 9th (10th) (11th) (12th) grade.

Answer:
9th--177 (9.9%) 10th--529 (29.7%) 11th--282 (15.8%)
12th--463 (26.0%)

5. Question:
It covers the Catholic (Mormon) (Protestant) (Other) forms of Christianity.

Answer:
Catholic--742 (41.6%) Mormon--470 (26.4%) Protestant--745 (41.8%)
Other--170 (9.5%)

6. Question:
It covers Buddhism (Hinduism) (Judaism) (Mohammedanism) (Shintoism) (Taoism) (Other).

Answer:
Buddhism--718 (40.3%) Hinduism--710 (39.8%) Judaism--732 (41.1%)
Mohammedanism--730 (41.0%) Shintoism--526 (29.5%) Taoism--525 (29.5%)
Other--116 (6.5%)

7. Question:
We do (do not) have these curricular materials.

Answer:
Do--243 (13.6%) Do Not--1,536 (86.2%)

Total Cards: Sent--3,414; Returned--1,780 (52.1%)

The second objective, that of developing criteria for critical evaluation of the curricular materials, centered on the problem of methodology and sought to explain what constitutes objectivity in the teaching of religion. The criteria delineate where the areas of normative and descriptive judgments apply to the subject of religion. Many of the methodologies, which claim to study religion fairly and impartially, actually rest on metaphysical bases which require that one make some sort of truth judgment about a given religion. This can easily be tantamount to sectarian instruction in the schools;

a practice which has been deemed illegal. The difficulty is alleviated by the use of a functional or stipulative definition of religion; i.e., "ultimate concern"--that concern which supersedes all others in an individual's or a group's consciousness. It is a definition which presumes no reality of its own but merely spells out what question is being asked of the data.

From these foregoing considerations, objective three, a list of criteria, has been developed. The curricula of the various units or courses have been compared to the criteria. This provides an evaluative guide to the state of the teaching of world religions in the public high schools. The criteria have not, however, been quantified on an individual basis for the following reasons: (a) that the various points of the criteria are not of equal importance, the courses evaluated were of very diverse kinds, and (c) the criteria are still in the first stages of development.

Outline Representation of the Evaluative Criteria for
Public High School Curricular Materials on World Religions

I. Overarching Concerns
   - A. The curriculum ought to provide the rationale for studying world religions.
   - B. The objectives for the course should be stated.
   - C. The curriculum should provide the means for realizing the stated objectives.

II. Positive Elements Which Should Be Found in the Curriculum
   - A. The curriculum should contain a sufficiently open and functional definition of religion.
   - B. The curriculum should be explicit in which framework it is treating religion, e.g., social or psychological function, historical entity, theology, or qua religion.
   - C. Distinctions should be drawn among the various contexts in which religious concerns appear, e.g., individual, community, historical periods.
   - D. Religions should be organized in a geographic manner unless course objectives and/or functional definitions prevent this.
   - E. The variety of forms a religious designation may take should be pointed out horizontally and vertically.
     1. Horizontally--the range of beliefs of sects or individuals within a given period.
     2. Vertically--the variety of religious beliefs which have gone by the same name through the ages.

III. Negative Elements Which Should Be Avoided in the Curriculum
   - A. No methodology which is based on or engages in normative judgments should be employed.
   - B. One religion should not be defined in terms of another.
     1. Creeds and systems of beliefs ought not be distilled from religions which do not admit of these features.
     2. The religions of the world ought not be treated as if they were churches in the Christian sense.

C. A public school course in world religions should not use or suggest normative judgments.
   1. The curriculum should not try to show that all religions have certain beliefs in common.
   2. The curriculum should not ask the truth question.
   3. The curriculum should not compare "strengths" and "weaknesses" of the various religions.
   4. The curriculum should not in any way indicate that members of any religion are any more or less sincere than the members of any other.

The results of the evaluation of the 79 usable curricula (of 91 received) are recorded on the following table whose letter code corresponds to the outline of the evaluative criteria. The curricula were evaluated in three ways: (C) corresponds to criteria; (N) does not correspond to criteria; and (I) indeterminate--degree of correspondence ambiguous.

Summary of Evaluation Results

Evaluative Criteria		Conforms with Criteria	Does Not Conform With Criteria	Indeterminate
I.	A	43 (54.4%)	32 (40.5%)	4 (5.1%)
	B	54 (68.4%)	20 (25.3%)	5 (6.3%)
	C	52 (65.8%)	21 (26.6%)	6 (7.6%)
II.	A	16 (20.3%)	41 (51.9%)	22 (28.0%)
	B	36 (45.6%)	28 (35.5%)	15 (19.0%)
	C	36 (45.6%)	30 (38.0%)	13 (16.6%)
	D	51 (64.6%)	10 (12.7%)	18 (22.8%)
	E 1	38 (48.1%)	14 (17.7%)	27 (34.2%)
	2	37 (46.8%)	16 (20.3%)	26 (32.9%)
III.	A	27 (34.2%)	21 (26.6%)	31 (39.2%)
	B 1	33 (41.8%)	14 (17.6%)	32 (40.5%)
	2	28 (35.5%)	16 (20.3%)	35 (44.3%)
	C 1	40 (50.6%)	12 (15.2%)	27 (34.2%)
	2	46 (58.2%)	7 (8.9%)	26 (32.9%)
	3	49 (62.0%)	6 (7.6%)	24 (30.4%)
	4	54 (68.4%)	3 (3.8%)	22 (28.0%)

Objective four consists of a series of suggestions which have been suggested by the results of the evaluation.

STATE PROGRAMS FOR SUPPORT TO NONPUBLIC SCHOOLS

(Compiled by and Reproduced with Permission of the National Catholic Educational Association. Information current as of August 15, 1970.)

ALASKA: Plan or Program: State contract with parochial high school to provide "educational opportunities" for certain students from rural areas. Status: Held permissible by attorney general.

ARIZONA: Plan or Program: Direct assistance to all schools. $182.50 per child. Status: In Senate, approved by superintendent of public instruction.

CALIFORNIA: Plan or Program: Two measures in Senate.

1. To provide $125 a year to parents for each child attending nonpublic elementary and secondary schools. Also, would have local boards of education reimburse children for cost of materials and equipment which normally are given free to public school children.
2. To provide auxiliary services including textbooks on secular subjects, specialized materials for handicapped children, and transportation for pupils.

Status: Pending in state legislature. Senate Education Committee has approved first plan and has sent to Senate Finance Committee to provide funds.

COLORADO: Plan or Program: Lend textbooks and instructional materials to all students--grades 1-12, public and nonpublic. Status: Bill in legislature.

CONNECTICUT: Plan or Program:

1. Nonpublic School Secular Education Act Purchases of Services--$6 million per year. Status: Law (Public Act 791-69).
   a. 20% reimbursement for teachers' salaries:
      1. Rises to 50% where one-third of the children are from low-income families and to 60% where two-thirds of the students are educationally deprived.
      2. No reimbursement for teachers who teach religion anytime during school day.
      3. Additional funds for disadvantaged.

   Status: Three-judge federal court panel has declared the law unconstitutional on the grounds that it violates First Amendment guarantees against "establishment of religion." Ruling is expected to be appealed.
   b. Reimbursement for purchases of textbooks--$10 per elementary, $15 per secondary student. Textbooks approved by public school authorities.
2. Grants for driver education in nonpublic high schools and secondary schools. Status: Law (Public Act 668-67).
3. Permissible bus transportation. Status: Law (Public Act 547-57).
4. Special education programs for educationally deprived children: pre-kindergarten, remedial, tutoring, etc. Status: Law (Public Act 506-67).
5. Health and welfare services. Status: Law (Public Act 481-68).

DELAWARE: Plan or Program:

1. Bus transportation. Status: Law.
2. Purchase of service assistance. Status: Plea by superintendent of diocesan schools.

FLORIDA: Plan or Program:

1. Three legislative proposals for assistance to nonpublic school children.
   a. State selected secular textbooks.
   b. Driver education.
   c. Bus transportation.
2. Purchase of service program.
3. Tuition grants to students in nonpublic schools. Method of payment will be to parents or guardians and the school. Student must be a resident of Florida. Grant: two-thirds of state's share of per-pupil cost of educating a child in public schools in Florida (amounts to slightly less than $300 per year). Because of current financial crisis, it is proposed to stagger the amount over three years. If everyone qualified, the 1970-71 appropriations would be $11.2 million. In order to take part, the student must attend a school which does not discriminate; if there have been minimum standards for nonpublic schools, then benefits will accrue only to students in those schools; if no such standards have been adopted, then provisions will be made for the adoption thereof on permissive basis whereby any school may comply and only schools which do comply will take part in the benefits of the bill.

Status: In legislature. Bishops are planning an information program to gain public support for legislation.

HAWAII: Plan or Program: Tax credits for student dependents vary with income and grade (kindergarten-college). Status: Law (Code Sec. 235-57-b).

IDAHO: Plan or Program: Bus transportation. Status: Law passed and signed by governor in March 1970. Is now in the courts. Expect a Supreme Court decision in fall of 1970.

ILLINOIS: Plan or Program:

1. Purchase of services at $60 per elementary and $90 per high school student--equals $32 million per year. Status: Endorsed by governor but killed by Senate Education Committee.
2. Tuition grant by state vouchers to be redeemed by schools--$48 per elementary and $60 per high school student per year. Status: Position being reassessed by Illinois Catholic Conference. In meantime, State Commission established to study full question of assistance to nonpublic schools.

INDIANA: Plan or Program:

1. Textbook Rental Law. Permits public schools to rent textbooks to nonpublic school children. Status: Law.
2. Fair Bus Bill. Status: Law.
3. Purchase of services: Provides for the purchase by Superintendent of Public Instruction of state-approved pupil education services from nonpublic schools. Defined as instructional services rendered in nonpublic schools by certified teachers in subjects approved for the public schools of Indiana. Excludes sectarian instruction or devotional religious exercises. Further defines nonpublic schools as any nonprofit elementary or secondary school where any child may legally fulfill the requirements of compulsory school attendance law and which has and carries out a policy of open enrollment. Places administration of plan

with State Board of Education and provides fiscal accounting subject to and by State Board of Accounts. Provides for textbooks approved by Textbook Commission of State Education Board. Provides for $10 million annual appropriation, which translates to less than $100 per student. Status: Bill submitted to General Education Study Committee of Indiana legislature by Indiana Committee on Nonpublic Schools for consideration at next session of legislature, January-February 1971.

IOWA: Plan or Program: Auxiliary Services provides that school districts and county school systems may make special education services and materials available to private school students "in the same manner and to the same extent that they are provided to public school students in the school district or county." Services include guidance counselors; noninstructional professional staff, including but not limited to physicians, dentists, nurses, school psychologists, speech therapists, and other specialists; special education services; and adequate instructional materials, including audiovisual. Status: Auxiliary Services program is law (April 30, 1970). Proposal for salary supplements for lay teachers of nonreligious subjects in private schools. Status: Plan advanced by Iowa Catholic Conference and others for consideration at next session of legislature.

KANSAS: Plan or Program:

1. Bus transportation. Status: Law.
2. Teacher salary supplement bill backed by Kansas Association of Nonpublic Schools (KANS). Status: House Education Committee supported passage of the teacher salary supplement bill. Will be introduced into 1971 session of Kansas Legislature beginning in January. Focus will be on this item only.

KENTUCKY: Plan or Program:

1. Lend textbooks to nonpublic schoolchildren. Status: Introduced in legislature.
2. Purchase of secular educational services. Status: Introduced in legislature.
3. Dual enrollment. Status: Law.

LOUISIANA: Plan or Program:

1. State furnishes textbooks to all schoolchildren. Status: Law.
2. Purchase of secular services at rate of $100 per elementary and $150 per high school nonpublic schoolchild per annum. Status: Law (July 3, 1970).

MAINE: Plan or Program: Textbooks and teachers' salaries similar to Pennsylvania. Status: Maine Supreme Court gave advisory opiniom that proposed law would be unconstitutional so legislature withheld action.

MARYLAND: Plan or Program:

1. Purchase of services and textbooks (modeled after Penmsylvania program). Financing to be through increase in state cigarette tax. Status: Bills defeated in 1970 session of legislature. Governor Mamdel has named a commission to study whole question in depth including legal aspect, with expectation of reporting after 1970 election.
2. Bus transportation. Status: Law.

MASSACHUSETTS: Plan or Program:

1. State Educational Development Commission. Legislation permits state funding of selected special privately run schools. Status: Law passed in 1967.
2. Special commission to study financial, educational, and political feasibility of state aid to private schools. Status: State Supreme Court advised law is contrary to State Constitution.
3. Amendment to State Constitution to permit state to pay salaries of private or parochial school teachers and to pay for textbooks. Status: Initially approved by joint session of legislature. Must be passed again in 1970, then becomes subject to referendum.

MICHIGAN: Plan or Program: EDUCAID

1. Indirect aid to nonpublic schools. Up to $44 million to intermediate school districts to purchase educational services by nonpublic school teachers, librarians, and other instructional personnnel for "secular subjects such as math, science, and English" "and other subjects comparable to courses taught in public schools." Cost to be calculated on a per-pupil basis and at least 50% of average per-pupil state aid payments to public schools (or about $130 per annum per pupil) increasing 10% per annum until 100% aid achieved. In inner-city schools allocation per pupil should be same as payments to public schools--or 100%. Provides accounting procedures and stipulates money to come from general fund. Status: Passed. Awaiting advisory opinion of State Supreme Court and also availability of tax funds through Education Reform Bill.
2. a. Bus Transportation. Status: Law.
   b. Auxiliary services. Status: Law.
3. Select Commission on Education Reform headed by the governor has recommended far-reaching restructuring of state public educational system. Included is proposal to pay up to 75% of salaries of certified lay teachers of secular subjects in nonpublic schools. Maximum allowance of aid to nonpublic schools would not exceed 2% of total public school budget of Michigan schools receiving state aid. Subject to same evaluation, accountability, and quality controls as public schools. Chief recommendation is to shift burden of school financing from local communities to state. Status: Recommended. Must be considered by legislature. Certain financing aspects require amending State Constitution. Pending in lower House. Passed Senate. Movement to change percentage requirements.

MINNESOTA: Plan or Program:

1. Tuition or educational expense reimbursement for parents of children in nonpublic schools for child's secular education at $100 per child, grades 9-12; $50, grades K-8. Status: Law, but in litigation.
2. Bus transportation (mandatory after August 1970). Status: Law. Challenged but upheld in County Court.
3. Teachers' salaries or tuition grants. Status: Legislative hearings.

MISSISSIPPI: Plan or Program:

1. State furnishes textbooks to all schoolchildren. Status: Law.
2. Recent act extends loans up to $200 per year to students in parochial and other private schools. Contains forgiveness provision provided

student continues to live and study in Mississippi. Status: Law. Suit filed in U.S. District Court.

MISSOURI: Plan or Program:

1. Tuition reimbursement to parents of nonpublic schoolchildren for child's secular education, by Citizens for Educational Freedom (CEF). Status: Legislation proposed by CEF. Failed.
2. Specific measures. (Status: All measures failed to clear legislature):
   a. School Textbook Bill. Funds to public schools for textbooks to be loaned to children in nonpublic schools. Status: Renewed efforts will be made in 1971 session.
   b. Shared Time Bill. Funds to public schools for private schoolchildren who attend public schools part time. Presently public schools receive aid only for full-time students. Status: Information program now under way.
   c. Driver Training Bill. Requires driver training for all high school students. State will pay $50 per student completing course. Expected to be amended to include nonpublic high schools. (Senate Bill 163).
   d. Auxiliary Services.
   e. Tax Deduction.
   f. Bus Transportation.
   g. Special Education for Handicapped.

MONTANA: Plan or Program: In Deer Lodge County, voters approved proposal for public school board to hire lay teachers to teach secular subjects in nonpublic schools. Status: In litigation.

NEBRASKA: Plan or Program:

1. Constitutional amendment to p grants to nonpublic school students to reimburse for secular educa..on, but not more than one-third per student cost in public schools. Status: Passed by legislature. To go on ballot November 1970.
2. A proposed Constitutional amendment to allow the state to receive federal money and distribute it in accordance with the terms of the grant. (At present this is not done when distribution would be to nonpublic institutions.) Status: Passed by Nebraska Constitutional Revision Commission; will probably be submitted to the 1971 legislature.

NEW HAMPSHIRE: Plan or Program: Dual enrollment. Other services proposed. Status: Law.

NEW JERSEY: Plan or Program:

a. Bus Transportation. Status: Law. (New court challenge.)
b. In a special message to the legislature, the governor has proposed the state assist parochial and other private schools by purchasing textbooks, library books, school supplies and help pay teachers by paying for instruction in nonreligious subjects. Its approach is to pay first, administrative costs of implementing the bill; then up to $10 for textbook aid for each elementary school pupil, up to $15 textbook aid for each secondary school pupil in nonpublic schools; finally, up to 20% of salaries of teachers of "secular" subjects, the percentage escalating

up to 60% in accord with the percentage of educationally deprived pupils in the respective schools. Status: Hearings being held on governor's proposal and legislative action is expected in the fall.

NEW MEXICO: Plan or Program:

1. State distributes free textbooks to all children. Status: Law.
2. Bus transportation. Status: Law.
3. Tuition grant ($100 per student, grades 1-8; $200 per student, grades 9-12). Slightly higher for poverty. Status: In legislature but state constitution prohibits aid to nonpublic schools and Constitutional Convention retained this prohibition.

NEW YORK: Plan or Program:

1. Governor and N.Y. Board of Regents have agreed to appoint study commission on "quality cost and financing public and private primary and secondary education in state." Status: To be appointed by governor.
2. N.Y. State Council of Catholic School Superintendents has urged State Board of Regents to back a "crash study" of the problems of nonpublic schools.
3. Present programs: (a) School Lunch. (b) Health Services. (c) Bus Transportation. (d) Textbook Loan. Status: Law.
4. Voucher system for all schoolchildren, public or private. Status: Law, but contrary to Blaine Amendment so legislature voted $28 million for examination and inspection expenses required by law. Blaine Amendment repeal voted by legislature but must have second vote, then go to referendum.

Note: N.Y. State Catholic Committee has asked legislature to substitute U.S. Constitution First Amendment language for Blaine Amendment in state constitution.

Additional Note: Legislature, at recommendation of Governor, has enacted an "interim aid" measure. Under it the state's nonpublic schools will receive about $28 million as reimbursement for "mandated services," i.e., keeping attendance and health records, holding examinations, and grading students as required by the state.

NORTH DAKOTA: Plan or Program:

1. Permissive bus transportation law. Implementation varies in local school districts. Status: Law.
2. Some health services--by state and local health departments, not Dept. of Public Instruction.

OHIO: Plan or Program:

1. Fair Bus Law, 1965.
   a. Mandatory transportation for elementary nonpublic school children. Contains certain practical qualifications.
   b. Optional for high school students but if students from a given district are transported then district must transport nonpublic students in district.

   Status: Law.

   Note: Both laws have been held constitutional.
2. Auxiliary Material and Services Act--1967. To date, has amounted to $26 per student. In 1969, legislature increased this to $50 per stu-

dent, with permission to use some of funds to supplement lay teachers' salaries. Status: Law.
3. Teacher salary supplements. Status: Law.
4. Driver education to all students--public and nonpublic. Status: Law.
5. Vocational education. Status: Law.

OREGON: Plan or Program: Governor's Commission is exploring all possible sources of aid to nonpublic schools. Status: Discussion.

PENNSYLVANIA: Plan or Program:

1. Pennsylvania Nonpublic Elementary and Secondary Education Act (PNESEA) provides for purchase of secular educational services by the State Dept. of Public Instruction for children in nonpublic schools at actual cost. Supports instruction in math, modern foreign language, physical science, and physical education. (The Pennsylvania Nonpublic Elementary and Secondary Education Act--PNESEA--was recently amended so that no nonpublic school may receive more per student than 25% of the per-student total instructional cost in the public schools of the commonwealth for the previous year. The 25% figure is based upon the limited curriculum coverage that is currently available under PNESEA.) Status: Law. U.S. Supreme Court will hear this case in October 1970 term.

2. Other Programs:
   a. School Health Services Act, 1961.
      Provides doctor, dental, and nursing services to children in nonpublic schools. Status: Law.
   b. Nonpublic School Bus Act--1965.
      Provides bus transportation along established routes. Status: Law. Constitutionality upheld by Pennsylvania and U.S. Supreme Courts.

RHODE ISLAND: Plan or Program:

1. State pays up to 15% of salary of teacher in nonpublic elementary school. Eligible are teachers who teach subjects required by state law in public schools or other subjects taught in public schools and who use teaching materials used in Rhode Island public schools. Must receive minimum salary required by state law (now $4,000) and cannot teach religion. Status: In litigation.
2. Textbook Aid. Status: Law. Held constitutional.

TEXAS: Plan or Program: Legislation to be introduced which will permit salary supplements to lay teachers in amount of 50% of state salary schedule of public school teachers--religious not included. Status: In preparation. Texas Catholic Conference is endeavoring to build support for legislation which would make state educational assistance available to private schools in Texas.

VERMONT: Plan or Program:

1. State aid to all children in private schools. Status: Bill in legislature.
2. Exemption for any parent of a child attending nonpublic schools from any school tax levied against his property. Status: Bill in legislature.
3. Financial assistance for lay teachers' salaries. Status: Rejected by

State House of Representatives.

VIRGINIA: Plan or Program:

1. State Constitution presently permits tuition assistance to children in nonsectarian private schools but prohibits such aid to children in church related schools (Sec. 141). Constitution presently being revised. Deletion of word, "nonsectarian," has been asked by Richmond Diocese. Commission on Constitutional Revision rejected request. Three-judge Federal Court has held Virginia tuition grant program unconstitutional on 14th Amendment grounds. Status: Proposed constitutional revisions must be reconsidered in next session of legislature (as entire sections) then submitted to referendum.

   Note: Federation of Catholic Parent Teacher Organizations of Northern Virginia has asked diocese to challenge in court Virginia practice of supplying health, welfare, recreation, and transportation to public schoolchildren and denying them to parochial schoolchildren--denial of equal protection law.

2. State legislature in proposed revised constitution permits state assistance to handicapped children in church-related schools. This is as far as the issue has progressed.

WASHINGTON: Plan or Program:

1. Dual enrollment. Reimbursement to local school districts for private and parochial schoolchildren attending part time. Status: Law.
2. Textbooks loan. Status: Failed in legislature.

   Note: Movement by Citizens for Educational Freedom to bring state constitution language in line with U.S. Constitutional First Amendment.

WEST VIRGINIA: Plan or Program:

1. Bus transportation. Status: Law.
2. The State Aid to Nonpublic Schools Act has been introduced in the state legislature. It is designed to "promote the secular education of children attending nonpublic schools." Would authorize county boards of education to purchase designated secular services from nonpublic schools. In the meantime (Feb. 10) the House of Delegates passed a resolution directing the joint committee on government financing to conduct a study of state aid to nonpublic schools and institutions of higher learning. This puts the question in abeyance for the interim. Status: In legislature. Governor's Committee on Education will include aid to nonpublic schools in its study.

WISCONSIN: Plan or Program:

1. Bus transportation to nonpublic schoolchildren. Status: Law.
2. Proposal for state grants to parents of children in nonpublic schools. Introduced in state legislature. The proposal seeks $50 per elementary and $100 per high school student in nonpublic schools. To be paid by cigarette tax. Status: Pending in legislature. Passed Senate. Governor's Education Committee recommends some state aid to private schools.

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